

Application Details	
Application Reference Number:	3/37/21/012
Application Type:	Full Application
Description	Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for up to 136 dwellings with the creation of vehicular access (closure of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial re-alignment of public highway (Cleeve Hill) (Resubmission of 3/37/18/015)
Site Address:	Land At Cleeve Hill, Watchet, TA23 0BN
Parish:	Watchet
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	No
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 s.fox@somersetwestandtaunton.gov.uk Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: planning@somersetwestandtaunton.gov.uk
Agent:	Mr P Grubb, Lighthouse Development Consulting
Applicant:	Cleeve Hill Development
Reason for reporting application to Members:	In the public interest given the level of representations received in objection to the scheme, the receipt of a Town Council objection and the previous consideration, and refusal, by the Planning Committee, of application 3/37/18/015.

1. Recommendation

That planning permission be **REFUSED** for the following reasons:

1. The application does not provide 35% affordable housing as stipulated in the adopted WSC Local Plan to 2032 Policy SC4.2 'Affordable Housing'.
2. The proposed realignment of the B3191 involves development within or in close proximity to land known to be unstable, and therefore the development is not in compliance with adopted WSC Local Plan to 2032 Policy NH9 'Pollution, contaminated land and land instability' without inclusion of the stabilisation and coastal defences required to protect the road over its design life as set out in the Somerset County

Council (SCC) commissioned B3191 Watchet to Blue Anchor Option Assessment Report, February 2020 by WSP.

3. The application includes development adjacent to properties at Lorna Doone. an area where the land may be unstable, or in close proximity to land known to be unstable and therefore the development is not in compliance with adopted WSC Local Plan to 2032 Policy NH9 'Pollution, contaminated land and land instability'.
4. The application has failed to demonstrate that there will be adequate, attractive, safe and accessible pedestrian access to and from the site and fails to adequately improve linkages from the town centre to facilities and amenities, including the Primary School, south of the railway. As such the application is not in compliance with the adopted policies of the WSC Local Plan to 2032 namely Policy TR1 'Access to and From West Somerset', TR2 'Reliance on the Private Motor Car', WA1 'Watchet Development' and NH13 'Securing High Standards of Design'.
5. The proposed Illustrative Masterplan fails to conserve or enhance the setting of Daws Castle and associated heritage assets, the Conservation Area nor the historic landscape character of Watchet. As such the application is not in compliance with the adopted policies of the WSC Local Plan to 2032 namely LT1 'Post 2026 Key Strategic Development Sites', WA1 'Watchet Development', NH1 'Historic Character', NH2 'Management of Heritage Assets', NH5 'Landscape Character Protection', NH7 'Green Infrastructure, NH13 'Securing High Standards of Design', and NH14 'Nationally Designated Landscape Areas' or the National Planning Policy Framework in particular paragraphs 130, 134, 176, 199, 200 and 202. In line with para. 202 of NPPF, it has not been sufficiently demonstrated that the harm to the heritage assets will be outweighed by the public benefit of the scheme.
6. The application has failed to analyse and respond to the numerous constraints and opportunities of the site and its surroundings to inform the principles of design that ensures the development may respond positively to its neighbours and rich local context. There is no suggestion from the Illustrative Masterplan that the development would make a positive contribution to the local environment and create a place with a welcomed distinctive character. As such the application is not in compliance with the adopted WSC Local Plan to 2032 Policy NH13 'Securing High Standards of Design'.
7. It has not been suitably demonstrated that the development can accommodate the number of dwellings proposed which in turn could prejudice the ability to deliver the realigned B3191 and provide sufficient financial planning obligations to mitigate the impacts of the development which could individually or collectively result in unsustainable development and prejudice the rationale for allocating the site contrary to adopted WSC Local Plan to 2032 Policy LT1 'Post

2026 Key Strategic Development Sites', Policy ID1 'Infrastructure Delivery' and Section 2 of the National Planning Policy Framework.

8. It has not been suitably demonstrated that the development can be suitably drained which may have an adverse impact on areas at risk of flooding by surface water run-off contrary to adopted Local Plan to 2032 Policy CC6 'Water Management' and Paragraph 169 of the National Planning Policy Framework, by the incorporation of sustainable drainage systems.
9. It has not been suitably demonstrated that the development promotes measures to minimise carbon emissions and promote renewable energy and reduce impact on climate change from an integral part of the design solutions. As such the application is not in compliance with the adopted WSC Local Plan to 2032 Policy NH13 'Securing High Standards of Design'.

2. Executive Summary of key reasons for recommendation

- 2.1 The application seeks residential development of an allocated site. A previous application, ref 3/37/18/015, was refused by the Council in August 2020. This resubmission does not overcome the reasons stated by the Council in refusing application 3/37/18/015 which is a material consideration given significant weight in the decision-making process.

3. Planning Obligations, conditions and informatives

- 3.1 No obligation, conditions or informatives required.

4. Proposed development, Site and Surroundings

Details of proposal

- 4.1 Outline planning permission is sought for the development of up to 136 dwellings on 5.7 hectares (14.1 acres) of agricultural land to the west of Watchet. All matters are reserved, except for access, which is shown at two points off the B3191 (Cleeve Hill), and will provide the opportunity to realign the road through the site.
- 4.2 The application is accompanied with an Illustrative Masterplan, to indicate how the site may be laid out. In the event that outline planning permission is granted, a reserved matters application or applications providing details of appearance, landscaping, layout and scale would be required.
- 4.3 The Illustrative Masterplan shows new housing built either side of the re-routed B3191 road, although most of it is shown located to the east, to the rear of properties at Saxon Ridge and Lorna Doone. A large cul-de-sac, with spurs off it and shared surfaces, is shown leading to the centre and eastern parts of the site. This would be built at a higher density, mostly comprising flats and small terraced houses. A smaller 'oval' shaped area is shown to the

west of the realigned road. It would accommodate approximately 30 dwellings, mostly large detached houses with rear gardens abutting a 'wildlife buffer'.

- 4.4 The Illustrative Masterplan shows the B3191 road re-routed to the south east of its current route away from the cliff. The existing route to the north would be retained with its carriageway providing a pedestrian link and access to Daws Castle, historic monument. Pedestrian linkages to existing public rights of way WL 30/1, to the east, and WL 30/2, to the south are proposed.
- 4.5 The application is substantially a resubmission of ref.3/37/18/015, but with additional information about land stability, pedestrian linkages and viability provided.
- 4.6 The application is accompanied by a suite of supporting documents:-
- Design and Access Statement (DAS)
 - Phase 1 Preliminary Contamination Assessment Report prepared by Ruddlesden Geotechnical
 - Transport Assessment undertaken by Hydrock October 2019
 - Residential Travel Plan (RTP) prepared by Hydrock
 - Development Viability Report, Prepared by Vickery Holman (Property Consultants) 15/04/2020
 - Landscape & Visual Capacity Appraisal undertaken By Swan Paul Partnership Feb. 2016
 - Updated Ecological Appraisal undertaken by South West Ecology Sept. 2020
 - Health Impact Assessment prepared by Martin Lee Associates, Sept. 2021
- 4.7 The applicant undertook community engagement prior to the submission of the first application (ref. 3/37/18/015)

Site and surroundings

- 4.8 The application site is an irregularly shaped piece of agricultural land, approximately 5.7 hectares (14.1 acres) in size, located near the coast to the north west of Watchet. The site at its widest in the west adjoins Daws Castle, a Scheduled Ancient Monument (SAM), and the remains of old lime kilns which are Grade II listed only separated physically by the narrow B3191 (a historic turnpike road). Within the site the Somerset Historic Environment Record indicates two sites where a Minster and further lime kilns may be found. In the east the site tapers to a 'pinch point', behind residential development in Cooper Beaches, Saxon Ridge, before widening out to the rear of newish development of terraced houses at Lorna Doone. The site has been used as pasture. There's a difference in levels of nearly 30m between highest part in the west and the lowest in east. It contains no buildings of note, there are a few corrugated iron sheds/stables at the western end.

- 4.9 The wider area reflects its' edge of town location. Established residential development, fronting West Street/Cleeve Hill, runs along most of the northern boundary. Its' on lower ground, with the site occupying the ridge above. The B3191 currently runs very close to the cliff edge hence the proposal for re-alignment. Currently a field entrance to the site is provided off this road.
- 4.10 The site abuts open countryside to the west and south. Levels fall steeply away into the valley of the Washford River to the south. It is separated from the former Papermill site in the south by the West Somerset Heritage Railway line and a local wildlife site. The rolling topography makes the site prominent within the landscape when viewed from these directions.
- 4.11 Two public rights of way (PROW) are located within the immediate proximity of the site: WL 30/1, which runs from West Street to Whitehall and touches the site at its eastern extremity; and WL 30/2, which runs west from a more westerly point at Whitehall parallel with the site's southern boundary towards Daws Castle. In addition, the England Coast Path National Trail runs adjacent to the north western site boundary.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/37/18/015	Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).	Refused	06/08/2020
<p>The reasons for refusal were:</p> <ol style="list-style-type: none"> 1) The application does not provide 35% affordable housing as stipulated in the adopted WSC Local Plan to 2032 policy SC4.2 'Affordable Housing'. 2) The applicant has not provided a Land Stability report including intrusive ground surveys to demonstrate that the land is suitable for development and the application is not in compliance with adopted WSC Local Plan to 2032 policy NH9 'Pollution, contaminated land and land instability'. 3) The applicants have failed to demonstrate that there will be adequate pedestrian access to and from the site, and the application is not in compliance with the adopted WSC Local Plan to 2032 policy TR1 'Access to and From West Somerset' <p>The committee report and minutes for this application is attached as Appendix 3.</p> <p>One other application has been extensively referenced by local residents in their representations, and this is the application at the former Wansborough Paper Mill, located in the valley below.</p>			

3/37/19/021	Outline Planning Application with all matters reserved for the erection of up to 350 no. dwellings (C3 use), up to 80 sheltered and assisted living apartments (C2 use); local centre including aparthotel with associated leisure facilities (up to 2650 square metres), business units within use classes B1 and B2 (up to 5000 square metres), visitor interpretation centre/community building, public car park and all associated road, footpath, drainage and engineering works (including an accompanying Environmental Impact Assessment)	Pending	
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6. Environmental Impact Assessment

By reason of the previous determination it was not considered this development comprised EIA development, more commentary is given at Paragraphs 12.54 and 12.60.

7. Habitats Regulations Assessment

The site does not lie within the catchment area for the Somerset Moors and Levels Ramsar site. As such no HRA is required.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

Date of initial consultation: 12 April 2021.

It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order. The following statutory consultees were consulted on this application:

Statutory consultee	Comments	Officer comments
Watchet Town Council	The Town Council has objected to the scheme. Several representations have been received which due to their size are attached as Appendix 1. This also includes a Highways report by Entran, commissioned by the Town Council. Another rep dated 21 April 2022 detailed the land slippage at the West Street allotments. In this rep the TC state: <i>“Watchet Town Council would like to submit this as further</i>	See Appendix 1.

	<i>additional evidence of the unsuitability of the Cleeve Hill land adjacent to this area for further housing development due to this type of instability, and in support of the Town Councils objection to application 3/37/21/012.”</i>	
Highway Authority - SCC	The comments of the Highway Authority are extracted and attached as Appendix 2.	
Historic England	<p>Extracts taken from the letter dated 29 April 2021 -</p> <p><i>“Recommendation - Historic England has concerns regarding the application on heritage grounds. These concerns relate to the provision of sufficient information to enable your authority to ensure that development on this site is delivered in accordance with both the relevant policies of the Local Plan and national legislation, policy and guidance. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 193 and 194 of the NPPF. However, we recommend that your authority discuss and are guided by your own conservation advisors in relation to how such safeguards can be robustly implemented, to ensure that you are able to deliver a sensitive and sustainable approach to development on this allocated site within close proximity to the nationally important scheduled monument of Daw’s Castle. In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and under section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise”.</i></p> <p><i>“We note that the site was included in the adopted West Somerset Local Plan and draw attention to the requirements under policy LT1 in relation to the unique historic environment of Watchet including the</i></p>	Heritage impacts are assessed at Paragraph 12.98 onwards.

nationally important scheduled monument of Daw's Castle". "Our advice continues to focus on the impact of development on the significance of Daw's Castle a fortified site of Saxon date and high status (as demonstrated by its possession of a mint) prominently located on the cliff edge above Warren Bay in the Severn Estuary. The fortification survives as a curvilinear earthen bank which represents the line of the Saxon defences. The north side of the site is now defined by the cliff edge as part of the defensive earthwork has been lost to coastal erosion and landslips. The monument has extensive inland views towards the Quantock Hills to the east. The character of the landscape surrounding the scheduled monument contributes positively to the significance the scheduled monument derives from its setting. This current undeveloped character, providing a sense of separation between the monument and the encroachment of development to the west of Watchet, retains the clear and open views which are recognised by the Heritage Assessment as fundamental to its defensive function". "We welcome careful consideration by your authority of the issues surrounding land stability and coastal erosion since these will affect Daw's Castle in addition to the local highway. The implications for the proposed layout of the allocated site resulting from the adjustment in the alignment of the B3191 will need to be considered. We advise that you will need to be satisfied that the green landscape buffer, included to assist in minimising impact on views from within the scheduled monument, will nonetheless continue to perform this function in the western part of the allocation despite these changes".

"Planning Policy Context - Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the

Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)) including in particular The Setting of Heritage Assets (GPA3). Heritage assets are an irreplaceable resource [NPPF 184] and consequently in making your determination your authority will need to ensure you are satisfied you have sufficient information regarding the significance of the heritage assets affected, including any contribution made by their settings to understand the potential impact of the proposal on their significance [NPPF 189], and so to inform your own assessment of whether there is conflict between any aspect of the proposal and those assets' significance and if so how that might be avoided or minimised [NPPF 190]. In accordance with the NPPF your authority should take account of the fact that it would be desirable to sustain and enhance the significance of Daw's Castle [NPPF 192] due to the positive contribution that conservation of this monument would make for the community in Watchet [NPPF 192]. In so doing you must give great weight to the conservation of that significance [NPPF 193] given that Daw's Castle as a scheduled monument is considered to be a designated heritage asset of the highest significance [NPPF 194b]. Any harm to its significance therefore must be clearly and convincingly justified [NPPF 194]".

"You will need to be satisfied that you can sufficiently control the visual impact from within the scheduled monument with appropriate safeguards to restrict development through detailed masterplanning where it would otherwise intrude into views from the scheduled monument. You must ensure that the development does not erode the current undeveloped character of the landscape as seen in those views, thereby retaining a sense of separation between the monument and proposed development and retaining the clear and open views which are recognised by the Heritage Assessment as fundamental to Daw's Castle's defensive function. We would also encourage both the applicant and

	<p><i>your authority to liaise with English Heritage in relation to a contribution from Section 106 funds for positive enhancements for the nationally important scheduled monument. We continue to welcome provision for interpretation, investigation and enhancement at the monument in the proposal and would be pleased to advise the applicant, jointly with your authority and English Heritage, on how that might be delivered through this allocation”.</i></p>	
Natural England	<p>With regard to designated sites – <i>“Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection”.</i></p> <p>Natural England then objected stating the realignment of the B3191 would involve works within the SSSI (Blue Anchor to Lilstock) that would have a <i>“direct and damaging impact on its geological features of interest”.</i> This work related to the cliff and foreshore works (the installation of revetments on the beach to protect the lower slope and soil nails and mesh protection to the upper slope).</p> <p>Natural England corresponded with the former case officer and concluded, <i>“However, we now understand that your Authority is satisfied that the application is not reliant on the cliff and foreshore stabilisation works for the B3191 Blue Anchor to Watchet, which are subject to an options appraisal by Somerset County Council, and would be subject to a separate planning application in the future. On that basis, provided any approval of this application does fetter the objective determination of options for the B3191, Natural England does not object to the Land at Cleeve Hill application”.</i></p>	<p>The implications of the NE objection based on impact to the SSSI is discussed at Paragraph 12.61.</p>
Wessex Water	<p>An initial concern was raised concerning potential odour from the sewerage works to the west.</p> <p>On drainage – Concerns raised concerning surface water strategy - <i>“These recommendations must be actioned prior to planning approval to avoid permitting</i></p>	<p>The initial concern regarding odour was later withdrawn.</p> <p>Drainage is assessed at</p>

	<p><i>a site that cannot be adequately drained. In respect of the first bullet point it is the applicant's responsibility to provide a design for Wessex Water's comments, unless a requisition application and deposit is submitted to Wessex Water.</i></p> <p><i>The comments regarding foul water and water supply are for the applicant's information. These matters can be progressed should the surface water issues be resolved and the application obtains planning permission".</i></p>	<p>Paragraph 12.115 onwards.</p>
<p>Lead Local Flood Authority (LLFA) - SCC</p>	<p><i>"The applicant has demonstrated that there is a viable surface water drainage strategy through the original application, and submitted the same details under the resubmission. We note that the layout of the road and drainage strategy has changed since the original application, it would be useful for the applicant to update the drainage strategy based on the most recent layout, however, as this is a resubmission, the application is at outline stage and the layout could again change during later detailed design, and the applicant has demonstrated that there is a means of draining the site with the previous layout, we would advise that a suitably worded condition is applied to the application to secure the details at reserved matters".</i></p>	<p>Condition and Informative Note noted for any approval.</p>

8.1 Non-Statutory Consultees

Non-Statutory consultee	Comments	Officer comments
<p>SWT Conservation Officer</p>	<p><u>"Assessment of harm -</u> <i>The elevated position of the proposed development will result in intervisibility with the lower-lying conservation area, focused on the town and harbour below. It will also have intervisibility with the parish church, which is also located in an elevation position. Therefore, the development would cause harm to the significance of the conservation area and church through visual intrusion into their setting, particularly relating to the dense nature of the form of the development.</i> <i>The proximity of the site to the Scheduled Monument of Daw's Castle and the listed</i></p>	<p>Heritage impacts are assessed at Paragraph 12.98 onwards.</p>

	<p><i>limekilns, would sever the separation of these features from the town, an element of the setting of Daw’s Castle, in particular, which makes a considerable, positive contribution to its significance. The setting of the limekilns would also suffer visual intrusion from the development. The current buffer incorporated into the design on the W side of the development is not considered wide enough to preserve the isolated setting of the castle. There has been little attempt to enhance the monuments within the proposed development.</i></p> <p><i>In summary, due to the dense nature and the limited buffers within the layout of the proposed development, it would cause harm to the setting and therefore, the significance of all of the above-mentioned heritage assets and would not conserve or enhance them. This is contrary to Policy NH1, NH2 & LT1 of the West Somerset Local Plan to 2023 and para. 199 & 200 of NPPF. In line with para. 202 of NPPF, it has not been sufficiently demonstrated that the harm to the heritage assets will be outweighed by the public benefit of the scheme.</i></p> <p><i>Recommend refused due to the harm to the setting of the adjacent heritage assets”.</i></p>	
<p>SW Heritage Trust</p>	<p>The applicant is required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 205). This should be secured by the use of the following conditions attached to any permission granted.</p>	<p>Heritage impacts are assessed at Paragraph 12.98 onwards.</p>
<p>SWT Landscape Architect</p>	<p><i>“SUMMARY</i> <u><i>Objection</i></u> <i>There is landscape concern that:</i></p> <ul style="list-style-type: none"> • <i>The site occupies an elevated, sloping, and highly conspicuous hilltop position, where development will be seen from the town of Watchet and wider landscape to the east, including the coast and the nationally valued landscape of the Quantock Hills Area of Outstanding Beauty (AONB), and that</i> 	<p>Landscape impacts are assessed at Paragraph 12.98 onwards.</p>

	<p><i>insufficient reassurance has been provided, in the form of green infrastructure, building height parameters, building massing, form and appearance, to allay concern that the development proposals will conflict with the form and appearance of development in the landscape context, be overtly conspicuous and result in landscape harm.</i></p> <ul style="list-style-type: none"> • <i>To achieve a viable housing density on the steeply sloping land will require retaining structures, and that unless these are well considered and work with the green infrastructure, there is concern that the structures will contribute to a built development character that will assimilate poorly with the context, risk being overly conspicuous and contribute to landscape harm.</i> • <i>The site lies adjacent to the scheduled monument of Daws Castle and there is concern that the siting of development shown on the indicative layout, shows a lack of regard to its setting and significance, as well as ignoring the guidance in the submitted Landscape & Visual Capacity Appraisal that has been prepared to support the application and which advises that development should be distanced from the schedule monument;</i> • <i>The proposals lack sufficient information, in the form of parameter plans, and other supporting evidence, to allay concerns listed above, or provide reassurance that the development will deliver good design, having regard to the Watchet context and fulfil the requirements of local and national guidance on design.</i> <p><i>Because of the above concerns, it is considered that the proposals do not comply with local plan policies LT1, NH1, NH5, NH13, NH14 and Paragraphs 130, 134, 176 of the NPPF, and as a</i></p>	
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	<p><i>consequence, there is a landscape objection”.</i></p> <p>Further comments sought in relation to site capacity - <i>“SUMMARY For the indicative layout to reflect the scope and density of development described in the Swan Paul Partnership’s Landscape & Visual Capacity Appraisal, it is considered that the capacity of the development would need to be reduced by 24 units, from 134 to 110. Whilst it is recommended that regard is given to the Swan Paul Partnership’s Landscape & Visual Capacity Appraisal, there is concern that the Appraisal focuses on density and building height and that the pattern and type of development that would be suitable in this context has not been fully explored. It is recommended that the proposals are put before the QRP for advice”.</i></p>	
<p>SCC Ecologist</p>	<p>An initial objection was raised – additional information was submitted, including the incorporation of buffer zones adjacent to the southern boundary and properties at Lorna Doone, plus the retention of existing areas of scrub.</p> <p>Upon receipt of that additional information - <i>“No Objection subject to inclusion of specified condition and informative On receipt of these amended plans SES is satisfied that appropriate ecological buffers are now incorporated into the outline permission. As stated in previous consultation responses the protected species surveys will need to be fully updated with the results provided to support the reserved matters application”.</i></p> <p>Conditions suggested to cover impacts on badgers, dormice, reptiles and bats (from lighting) with requirements for a Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan) LEMP, mitigation compliance and encouragement for</p>	<p>Ecological matters are assessed at Paragraph 12.124 onwards.</p>

	Biodiversity Net Gain (BNG) at the reserved matters stage.	
SCC Rights of Way	<p>Clarification of existing PROWs in the vicinity, comments on the upgrade of WL 30/1 are incorporated into the SCC Highways response.</p> <p>Informative notes if the application is approved.</p> <p>Overall, no objections raised.</p> <p>Advice sent to the agent: <i>“s106 Draft Heads of Terms (Rights of Way):</i></p> <ul style="list-style-type: none"> • <i>TIMING TBA: to provide a dedicated footpath on the north west of the site generally in accordance with drawing no. 2162/201D, and with the provision of a dedicated safe and convenient footpath link scheme to the England Coast Path National Trail. To act as an alternative route for the England Coast Path when Cleeve Hill road is temporarily or permanently closed to walkers. To cooperate in full with the County Council and Natural England in relation to any rollback or variation report process to relocate the England Coast Path as may be necessary.</i> • <i>Prior to first occupation to provide a lit and metalled footway link from the development to public footpath WL 30/1.</i> • <i>Prior to commencement a contribution of £30k is payable to the County Council to upgrade the surface of footpath WL 30/1 from the development to West Street</i> OR <i>Prior to first occupation deliver surface upgrade works to WL 30/1 from the development to West Street (this will require 3rd party landowners to sign up to the s106/s278 .</i> <i>To improve the accessibility for pedestrians as far as possible.</i> • <i>Prior to completion to provide a footway connection link from the development to public footpath WL 30/2.</i> <p><i>With regard to the first bullet point the delivery of this should be as early as possible but may need to be partially/</i></p>	No further action.

	<i>wholly aligned with delivery of the realigned road, and in that regard we will probably need to discuss the timing aspects of both in more detail”.</i>	
SWT Environmental Health	<p>Commenting on a specific issued raised concerning air quality from idling vehicles on West Street –</p> <p><i>“I am not aware of any air quality issues for Watchet or any monitoring being undertaken and there is therefore no data to support this. There is monitoring of air quality in Minehead and Williton on major traffic routes and no Air Quality Management Areas have been declared for the district. That being the case, I wouldn’t anticipate there being any demonstrable increases in Watchet likely to lead to any health impacts which would justify objections from the Environmental Protection Team. There will always be fluctuating levels of air quality and we would advise seeking the views of the highway authority to ensure traffic pinch points are resolved rather than rely on air quality data”.</i></p>	No further action.
Crime Prevention Officer – Avon and Somerset Police	<p>Objection – the upgrade scheme for PROW WL 30/01 would be unsuitable for use by parents with children in pushchairs, the elderly and disabled, particularly if using wheelchairs or mobility scooters.</p>	These comments are expanded at Paragraph 12.28 onwards.
SWT Leisure	<p><i>“The original viability assessment included £220k for Community Infrastructure contribution and £50k for Open Space contribution. Total of £270k. Balancing the policy requirements of the Cleeve Hill site including the rerouting of the B3191, with policy and community evidence and the current offer at the Former Paper Mill application site it would seem reasonable to make the following Community Infrastructure asks at Cleeve Hill: High-quality semi-natural public open space linked with the calcareous grassland and Daws Monument/Limekilns area – the “buffer” area; 2 onsite children’s play areas (LEAP’s) cost c. £143k; Contribution towards Active/Outdoor Recreation used towards improved facilities at the Watchet Bowls Club – actual amount to be discussed with the Bowls Club and</i></p>	These comments are considered at Paragraphs 106 and 109.

	<i>internally within SWT, but an initial “ball-park” figure of £50k may be reasonable/achievable; Land for allotments – would need to be sensitively located given the prominence of the site on the hill (allotments are usually fenced off) and would be equivalent to 10 full sized plots. Perhaps onsite orchard planting or off site-contributions in-lieu is better. Contributions to allotments off-site could be c.£ £34,408 Total Community Infrastructure requirement above is £177,458”.</i>	
NHS Somerset LPA Engagement	<i>“The CCG’s concern is that the combined surgeries of Watchet Surgery and Williton Surgery, a community facility, as already over capacity within their existing footprints therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. Using the capacity from above as a starting point, the surgery already has 12,256 patients registered and this new development will increase the local population by a further 307 persons”.</i> Total contribution required = £78,684.	These comments are considered at Paragraphs 106 and 108.

8.2 Local representation

8.2.1 This application was publicised by letters of notification to neighbouring properties and a press advert.

8.2.2 485 (approx.) representations of objection have been received from members of the public and recognised bodies. Some residents have made representations multiple times. Given the number and length of representations received key issues and statements have been extracted and detailed below as representative of the views generally submitted. All letters can be viewed on the case file on the Council’s website.

Material Planning Obligations	
Objections	Officer Comment
<u>Principle of Development</u> - The Paper Mill/brownfield sites should be developed instead. - <i>“In view of the Agricultural Act 2020, I believe this (and other local) applications breach the realisation of this Act, where in the case of Watchet, there is suitable alternate land available at the Mill Site”.</i> - We have already had our quota of houses.	There is a live planning application for redevelopment of the Former Paper Mill ref 3/37/19/021, all residents should ensure their comments are known by submitting representations to that application.

<ul style="list-style-type: none"> - There is no evidence that Watchet needs more housing than has already been approved, there has been no population growth to justify more housing. - <i>“Watchet is reinventing itself and to destroy it with extra traffic would make it a very unwelcoming place for tourists and the less nimble footed”.</i> - The impacts need to be judged in the context of other developments in Watchet. - This development defies Somerset West and Taunton Council’s green credentials. - <i>“The purpose of a housing allocation is to provide for forecast housing need. Its purpose is not for financing a road diversion. If the purpose of bringing forward a post 2026 allocation is to meet a housing need, then the existence of the need should be demonstrated. If the purpose of bringing forward the allocation is to finance the road diversion, and a housing need prior to 2026 cannot be demonstrated, the current proposal would appear to lack justification”.</i> - No analysis seems to have been undertaken in allocating the site....” <i>unfortunately, the local plan process does not generate public interest in the same way as a planning application”.</i> - <i>“West Somerset has tremendous deprivation which must be addressed systematically and systemically and all effort made to get government funding to address the deprivation. The one thing that Watchet and Williton do not lack is houses, thus this excessive planned residential housing development is not appropriate”.</i> - This does not accord with SWaTs declared Climate Emergency and Climate Positive Planning document. 	<p>The West Somerset Local Plan sets out the housing requirement, see Paragraph 12.70 onwards.</p> <p>Traffic and transport matters are discussed at Paragraph 12.85 onwards.</p> <p>The allocation makes clear the road realignment is a key determining factor.</p> <p>All residents should seek to engage in the Local Plan process to help shape the future of their town.</p> <p>The sustainability credentials of the scheme are addressed at Paragraph 12.120 onwards.</p>
<p><u>Transport and Highways</u></p> <ul style="list-style-type: none"> - <i>“It is difficult to understand the estimates of traffic movement (Traffic Assessment) prepared by the consultants (Hydrock) as they appear to be based upon data from comparable(?) developments which has been processed in order to model and predict traffic movements that may result from the Cleeve Hill development. These estimates seem unrealistically low”.</i> - A traffic survey by residents between 22nd to 28th April 2021 found: 	<p>Traffic and transport matters are discussed at Paragraph 12.85 onwards.</p> <p>Commentary on the realignment of the B3191 can be seen at Paragraph 12.54 onwards.</p> <p>Connectivity for pedestrians is assessed at Paragraph 12.16 onwards.</p>

<ul style="list-style-type: none"> • The largest number of cars on a single day was 995 on Sunday. • The smallest number of cars on a single day was 658 on Wednesday when it rained heavily. • The average number of cars per day between 8-10, 12-2 and 3-5 was 819. • The average number of delivery vans between 8-10, 12-2 and 3-5 was 177. • The average number of all vehicles including lorries, buses camper van and cycles per day between 8-10, 12-2 and 3-5 was 992. • The average number of all pedestrians including dogs, children etc between 8-10, 12-2 and 3-5 was 614. • The average number of adults between 8-10, 12-2 and 3-5 was 479. • The average number of dogs between 8-10, 12-2 and 3-5 was 134. <ul style="list-style-type: none"> - West Street is not suitable for extra traffic, it presents several bottlenecks and acts as a diversionary route for the A39. - <i>“A decision needs to be made on whether the B3191 is an essential route for the local region or not”</i>, it should be rerouted around Watchet, or through the Paper Mill site. - The true cost of the road needs to be understood. - Vehicles often mount the pavement to pass each other. - Swain Street is narrow and has bottlenecks and would be ‘carnage’ at times if the development went ahead. - Multiple reports of near-misses, people being struck and one fatality. - Seasonal traffic flows, including the impact of caravans, tourers etc has not be assessed. - The walking routes from Whitehall and up West Street mean more people will drive. - <i>“There are no paths down to the town so anyone with mobility issues would be trapped there if not driving. I have a mobility scooter and would feel very unsafe on that hill either going up or down”</i>. - The roads in Watchet and the adjacent villages are not suitable to cater for HGVs during the construction period. - West Street is already busy with tourist traffic. 	<p>The construction period is discussed at Paragraph 12.96.</p>
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<ul style="list-style-type: none"> - The regeneration of the harbour/marina has brought and will bring more traffic and demand for parking. - The TRICS data used is questionable. - No assessment of online shopping vehicles. - The point at which the new road will re-join West Street (at Saxon Ridge) is still prone to erosion meaning the road will be closed anyway. A link through the Paper Mill development should be negotiated. - <i>“This development location will rely on motorised transport for the occupants to shop, attend school due to the steep access road, which despite plans to re route will eventually fail further down where it cannot be then diverted”.</i> - This application.... <i>“will increase fast moving vehicular traffic along the Watchet to Blue Anchor road making an already dangerous route for active travellers even more dangerous”.</i> - A cycleway between Watchet and Blue Anchor should be provided. - Most traffic will head in the Watchet direction. - The site does not encourage walking, necessary to reduce greenhouse gases. - Public footpaths do not present viable access to the town – narrow, rough, steep, over stiles and through mud. - There is no bus route. - There is no cycling infrastructure outside the site and the steep nature of the site would deter cyclists. - The town needs more parking. - A park and ride is necessary. - The development in Watchet isn’t matched by improved road structure to Taunton and Bridgwater. - <i>“....no CTMP [Construction Traffic Management Plan] would avoid the inevitable damage to the towns roads and buildings”.</i> 	
<p><u>Cliff/Land Stability</u></p> <ul style="list-style-type: none"> - The success of Option 1D (B3191 Watchet to Blue Anchor Option Assessment Report by WSP and commissioned by Somerset County Council) is contingent on funding and the appropriate permissions being in place to complete the scheme via foreshore armoring and stabilization of the upper part of the coastal slope. Option 1D should be ready to 	<p>Land Stability is assessed at Paragraph 12.11 onwards.</p>

<p>implement first before this application is determined.</p> <ul style="list-style-type: none"> - The road (and therefore the development) isn't required if the cliffs are protected. - <i>"The Watchet Fault Line lies very close to this site and is known to be, or may be, unstable".</i> - <i>"In the Seismic Atlas of Southern Britain of the British Geological Survey, the Watchet-Cothelstone Fault is named as the greatest fracture of the crust (2015)....Running up West Street, it was the fracture in the road which had to be filled with concrete to complete the road to Blue Anchor".</i> - <i>"The properties may well be unsuitable for mortgage or subsidence insurance".</i> - <i>"Everyone knows the B3191 is likely at any moment to be put out of use by geological action, but for the Council to set up a deal whereby developers would build the inevitable replacement would be absurd since they could leave it to the end of their five-year time allowance or simply let the Council take over responsibility and thus escape their side of the bargain. The Local Authorities should build the new road NOW along the soundest geological route, and only when it's done should any consideration be given to housing development in the area".</i> - Building houses on the cliff will increase the burden including excavation, water movements, stresses and weight. - An engineer's evaluation is needed. - There have been land slips at West Bay chalet park and in the Lorna Doone development. 	
<p><u>Heritage and Archaeology</u></p> <ul style="list-style-type: none"> - <i>"There has never been a full archaeological investigation of Daw's Castle and its surrounds".</i> - Does this field contain the as yet undiscovered minster? (referring to the previous application) <i>"English Heritage found this submission fell short of what is required to enable the LPA to ensure that the application adequately fulfils its legal obligations to protect and enhance the setting of the heritage assets near to the site".</i> 	<p>Heritage aspects are assessed at Paragraph 12.98 onwards.</p>
<p><u>Landscape, Layout and Design</u></p> <ul style="list-style-type: none"> - <i>"The proximity (10 metres) to the scheduled monument will significantly detract from the visual amenity of the monument. The context</i> 	<p>Landscape, layout and design matters are discussed at Paragraph 12.98 onwards.</p>

of the site will be impacted by the view of a housing estate so close”.

- It is not clear that all aspects of this issue have been properly considered within the impact report provided – neither the significance of historical viewpoints or the location of the Saxon Mint and the possible Saxon Minster appear to have been taken into account.
- “I find it very hard to believe that the council is considering allowing development on this green space. It is probably the site of the ancient Saxon settlement and therefore of significant historical significance”.
- The density is too great.
- Over half the proposed houses are four bedroomed which isn't what the town needs.
- Low-storey buildings would have less of an impact on the skyline.
- *“The development is out of character and will be a blight. The view that J.M.W Turner drew in 1811 and Samuel Taylor Coleridge enjoyed in 1797 will be lost forever”.*
- *“Old Watchet nestling between green hills is its greatest charm and its that quaintness that brings visitors to the town”.*
- Solar PV panels will create glare and reflectance.
- Streetlighting and lighting associated with the dwellings will be highly visible and no impact on dark skies has been undertaken.
- *“Post-COVID Britain is going to need more capacity for 'staycations', and Watchet, having lost the Paper Mill, needs the employment fostered by tourism. A great part of Watchet's appeal is the beautiful countryside in which it sits like a jewel. So now is not the time to ruin Cleeve Hill”.*
- The site is very steep.
- The view of the green hill and skyline will be spoilt.
- Several proposed houses will impact on adjacent property – The Anchorage, by reason of height and proximity, and houses at Lorna Doone by over-shadowing and overlooking.
- The applicant should state how much surplus soil by volume will be created.
- The layout does not reflect the road plan which shows embankments and cuttings.

<p><u>Affordable Housing</u></p> <ul style="list-style-type: none"> - The proposed affordable housing does not meet local requirements. - Is the provision guaranteed? - Question the support from Homes England, can it be relied on? 	<p>Affordable housing is discussed at Paragraph 12.8 onwards.</p>
<p><u>Local Services</u></p> <ul style="list-style-type: none"> - The development would create further strain on local services. - The development should have a shop to reduce car journeys. - Are there enough school places? 	<p>Impacts on health, play, recreation and education facilities is discussed at Paragraph 106 onwards.</p>
<p><u>Flood Risk and Drainage</u></p> <ul style="list-style-type: none"> - The applicant should indicate the locations and dimensions of attenuation tanks, identify surface water sewers and assess the impact on flood risk to third parties. - Concerned about impact of surface water run-off in Whitehall, on the railway, Mineral Line path, down West Street and properties adjoining the Washford River. 	<p>Surface water drainage is discussed at Paragraph 12.115 onwards.</p>
<p><u>Ecology and Wildlife</u></p> <ul style="list-style-type: none"> - The development will impact on rare wildlife. - Protected birds of prey nest on the cliff. - Cleeve Hill contains a SSSI. - Watchet currently has a large population of Hedgehogs. Development of the site will detrimentally fragment the habitation area needed for hedgehogs to survive. - <i>“... how is this an effective conservation solution when the introduction of domestic cats, pedestrians and traffic will drive the dormice away, threaten their numbers and their habitat?”</i> 	<p>Ecological matters are discussed at Paragraph 12.124 onwards.</p>
<p><u>Employment</u></p> <ul style="list-style-type: none"> - There is an insufficient number of jobs in the area. - The development does not bring employment. 	<p>The Local Plan allocation did not require employment land to be provided. There is an allocation of employment land at Parsonage Farm, Policy WA2.</p>
<p><u>Pollution</u></p> <ul style="list-style-type: none"> - More traffic jams at bottlenecks in Watchet will create air pollution. 	<p>See Paragraph 12.133.</p>
<p>Objections were also received on behalf on Watchet Conservation Society, Watchet Museum, CPRE and Khift Ltd on behalf of The Cleeve Hill Action Group.</p> <p>The points made are captured in the comments made by residents and are addressed in the officer’s commentary to follow. The letters can be viewed in full on the casefile on the Council’s website.</p>	

8.2.3 72 (approx.) representations of support have been received from members of the public and recognised bodies. Key issues and statements have been extracted and detailed below as representative of the views generally submitted. All letters can be viewed on the case file on the Council's website.

Support	Officer Comment
Watchet needs more houses for local people.	The West Somerset Local Plan sets out the housing requirement.
The realigned road is needed.	The West Somerset Local Plan sets out the requirement.
<i>"...the WSP report commissioned jointly by the district and county councils makes very very clear the catastrophe economic impact on watchet and blue anchor if this scheme is not approved. The WSP report was published before covid so the economic damage to watchet and blue anchor will be even greater than WSP forecast. Save watchet, save blue anchor, support this application"</i> .	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"The area earmarked for residential development is perfectly suitable, it just isn't to some people's personal liking.... There are no other areas in Watchet suitable for building to the current requirements without objection from nearby residents"</i> .	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"Social housing is in desperate demand in the area of account of high private rental prices and mainly minimum wage and/or seasonal work, and this proposal would be providing this"</i> .	Affordable housing is discussed at Paragraph 12.8 onwards.
<i>"Growth can only be good for any town. If you don't allow growth and change you only get left behind..and the the current climate we need more job opportunities, and openings for apprenticeships"</i> .	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"...with more people living in the town it will benefit the shops and small businesses which can only be a good thing"</i> .	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"This will also help local businesses and the new road will keep holiday makers coming and travelling through this route otherwise if there is no road Watchet and Blue Anchor will get bypassed and this can affect businesses in both areas"</i> .	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"The site is in keeping with the development of seaside towns, spread up each side of the valley, close to the harbour"</i> .	Heritage, landscape, layout and design matters are discussed at Paragraph 12.98 onwards.

<i>“Access to the site in terms of traffic load is certainly not worse than that of the Liddymore sites already granted approval for hundreds of houses”.</i>	This is a factor Councillors will weigh up against other policies and material considerations.
<i>“The site is in the Development Plan and has been for several years, whereas the two other sites at Liddymore which have been given outline approved were not in the DP”.</i>	This is a factor Councillors will weigh up against other policies and material considerations.

8.2.4 Several comments were made that little weight can be given in the decision-making process.

Non-Material Planning Matters	
Objection	Officer Comment
Does the Council see this as a way of offloading the cost of rerouting the road?	This is a question for Somerset County Council, but the answer is no.
This will only benefit the developer financially.	All developers and landowners must make a reasonable profit to bring forward the site.
The housing will only be bought by people from outside the area.	The West Somerset Local Plan sets out the housing requirement.
My view of the Quantocks will be lost.	The loss of a personal view is not a planning consideration to which great weight can be applied.

8.2.5 1 representation contained comments neither objecting to nor supporting the Planning Application.

9. Relevant planning policies and Guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

9.2 The site lies in the former West Somerset District Council area. The development comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed

with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

- 9.4 Relevant policies of the development plan in the assessment of this application are listed below.

West Somerset Local Plan to 2032

Policy SD1 Presumption in Favour of Sustainable Development
Policy SC1 Hierarchy of Settlements
Policy SC2 Housing Provision
Policy SC3 Appropriate Mix of Housing Types and Tenures
Policy SC4 Affordable Housing
Policy WA1 Watchet Development
Policy LT1 Post 2026 Key Strategic Development Sites
Policy EC8 Tourism in Settlements
Policy TR1 Access to and from West Somerset
Policy TR2 Reducing Reliance on the Private Car
Policy CF1 Maximising Access to Healthy Sport, Recreation and Cultural Facilities
Policy CF2 Planning for Healthy Communities
Policy CF3 Flood Risk Management
Policy CC5 Water Efficiency
Policy CC6 Water Management
Policy NH1 Historic Environment
Policy NH2 Management of Heritage Assets
Policy NH3 Areas of High Archaeological potential
Policy NH5 Landscape Character Protection
Policy NH6 Nature Conservation and the Protection and Enhancement of Biodiversity
Policy NH7 Green Infrastructure
Policy NH8 Protection of Best and Most Versatile Agricultural Land
Policy NH9 Pollution Contaminated Land and Instability
Policy NH13 Securing High Standards of Design
Policy NH14 Nationally Designated Landscape Areas
Policy ID1 Infrastructure Delivery

Retained saved polices of the West Somerset Local Plan (2006)

Policy TW/1 Trees & Woodland Protection
Policy TW/2 Hedgerows
Policy W/4 Water Resources
Policy T/8 Residential Car parking
Policy T/9 Existing Footpaths
Policy R/5 Public Open Space and Large Developments
Policy R/12 Informal Recreation Facilities

Supplementary Planning Documents

District Wide Design Guide, December 2021
West Somerset Planning Obligations SPD, December 2009 *[whilst this document exists it is considered largely out of date and so the comments of*

the from SWT Leisure, SSC Education, SWT Affordable Housing Enabler and SCC Highways are a more accurate and evidenced set of requirements].

Other relevant policy documents

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

Neighbourhood Plans

There is no made Neighbourhood Plan for the area.

The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

10. Local Finance Considerations

Community Infrastructure Levy

CIL is not currently payable in the area covered by the former West Somerset District Council.

11. Material Planning Considerations

11.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle of Development
- Affordable Housing
- Land Stability
- Pedestrian Access
- Site Capacity
- Delivering the realigned B3191
- Phasing/Prematurity of the Site Coming Forward – Policy LT1
- Watchet Development – Policy WA1
- Transport and Highways
- Landscape, Heritage and Archaeology

- Development Viability/Planning Obligations
- Flood Risk, Surface Water Drainage and Foul Drainage
- Sustainability and Climate Change
- Ecology
- Pollution

Principle of Development

12.2. The starting point must be the Development Plan and Councillors are reminded that the application site, and in fact another adjoining field which has not been included in this application, is allocated for development in the West Somerset Local Plan, Policy LT1 is relevant.

12.3. Policy LT1 Post 2026 key strategic development sites, states:
Within the two areas identified for longer term strategic development on the policies map.

- *To the south of Periton road, Minehead for which access would be via a distributor road through the site linking the distributor road for the MD2 site with the site's A39 frontage and;*
- *To the west of Watchet at Cleeve Hill, where development must contribute to enhancing the unique historic environment of the town including mitigating the erosion of Daw's Castle and encouraging visitors to the monument through funding excavations and improvement of site management, and also to providing a new alignment for the B3191 to address the impact of coastal erosion.*
- *Proposals for the Watchet site must sustain and, where appropriate, enhance the historic assets of Daws Castle and the adjacent lime kilns and their settings.*
- *Development of both of these sites would be guided by the provision of indicative masterplans.*
- *In respect of the Minehead long term site, the masterplan should provide for an appropriate design response to the site's proximity to the Exmoor National Park.*
- *The masterplan for the Watchet long-term site should include the use of soft landscaping, green spaces and sympathetic design in terms of appearance to mitigate harm.*

Provision is made for development in the latter part of the plan period post 2026

12.4. The supporting text to the policy states:

- *In order to provide for the strategic development needs of the area in the later part of the plan period, it is essential to reserve some strategic development sites for development at that stage.*
- *There will remain a need for strategic development sites in the post-2026 part of the Local Plan period, without taking steps to reserve land for this purpose such land may not be available when it is needed.*
- *The development of the sites will be subject to an overall master-plan including phasing where appropriate.*

- *These two sites are held in reserve as a contingency and could potentially be released early if monitoring demonstrates a significant, ongoing shortfall in the rate of development of the Key Strategy Sites for Minehead and Watchet, or if those sites deliver less housing than anticipated in the Plan. The Watchet LT1 site could also be brought forward if the need to realign the B3191 becomes imperative due to coastal erosion.*
- *The site at Cleeve Hill, Watchet is relatively close to the town centre, and also offers the potential to re-align the B3191 where coastal erosion is threatening to destroy the current alignment of the road.*
- *Options for rescue archaeology excavations in advance of further coastal erosion of Daws Castle will be sought through Section 106 Agreements with developers.*

12.5. With regard to the Local Plan Inquiry Inspector's comments it is clear that the allocation at Cleeve Hill was made primarily to contribute towards the delivery of a re-aligned B3191 away from the cliff and safeguard the route between Watchet and Blue Anchor. The rationale was as follows:

- If the road is not realigned it could become dangerous within the lifetime of the plan and have to be closed.
- If the development does not occur the County will not get the developer contribution towards the re-alignment. This means that the realignment is unlikely to occur,
- It is noted that without the road realignment there is no alternative route to Minehead from the east along classified roads if the A39 becomes blocked /unusable. The A396, up the Ex valley via Dunster to the south, is tortuous and the A39, from the west traverses Exmoor.
- It is further noted that without realignment of the road Watchet is left more isolated with just two vehicular access routes into the town: the B3190/1 Brendon Road to the south and the unclassified Doniford Road, to the east.

12.6. To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.

12.7. In addition to assessment of the Development Plan the Officer must assess all Material Considerations and judge what weight they should be given in the planning balance in order to reach a recommendation. In this case a significant material consideration is the fact the Council has already refused a planning application for the same number of dwellings (the previous app stated 'for 136 dwellings', this applications proposes 'up to 136 dwellings'), on the same land extent. The reasons for refusal, listed in Section 5, revolved around the lack of affordable housing, the lack of demonstration that the land was stable and therefore suitable for development and a failure to

demonstrate adequate pedestrian access to and from the site. As such this report will assess whether the revised application has addressed these matters, through the prism of the Development Plan policies.

Affordable Housing

- 12.8. Reason 1 of the Council's decision on application 3/37/18/015 stated the proposal (at 27% of units to be affordable) had failed to meet the 35% affordable housing requirement set out in Policy SC4.2.
- 12.9. The level of affordable housing able to be provided by this revised application is implicated by financial viability, largely compromised by the need to deliver the realigned B3191. The case for the road is made elsewhere in this report but simply put the allocation did not excuse this site from delivering affordable housing because of the need to deliver the road but the reality is that a development of only 'up to 136 dwellings' (or less as is the argument in this report), cannot pay for a road, 35% affordable housing and all the other requirements (these will be considered separately later). The outcome of the viability exercise is that the applicant cannot provide any affordable housing if they are to deliver the road in its entirety without any 'third party funding' from central Government, SWT, SCC or the new Somerset Council.
- 12.10. It must remain therefore that with no substantial change in circumstance other than clarifying for the applicant that a site allocated to deliver a road must in fact deliver a road, the non-provision of any affordable housing means the proposal has not overcome the reason for refusal and the application remains contrary to Policy SC4 of the West Somerset Plan. The supporting text to Policy SC4 states affordable housing is required because the West Somerset district has one of the highest disparities between average earnings and average house price in the Country and a lack of sufficient social housing for rent to meet local needs means that many of those on lower incomes cannot afford to remain in West Somerset, or have to live in other people's households, causing overcrowding and loss of privacy to the detriment of all concerned.

Land Stability

- 12.11. Reason 2 of the Council's decision on application 3/37/18/015 stated the applicant had failed to demonstrate the land was suitable for development due to concerns regarding land stability.
- 12.12. The applicant has responded by submitting information from Stantec. The Council employed Fairhurst to appraise the Stantec work and advise the Council. Several exchanges were made and a final response from Fairhurst was received at the beginning of December 2022. This was informed via a meeting facilitated by the Case Officer with Watchet Town Council (WTC) and their advisor Geckoella, Specialist Consultants in Geology based in Watchet. The meeting took place in September 2022 at the WTC offices and included visits to the West Street allotments, managed by WTC, which had become unstable in the months prior and were now closed and resigned as lost to the

sea, and also No 17 Lorna Doone which would back onto the development and has suffered from land slippage, with fears expressed that this would be made worse by the development which would be located on higher ground. The brief set by the Case Officer was to review the Stantec information and answer one simple question – Does the application, as it stands, comply with Policy NH9 (Pollution, Contaminated Land and Lands Stability) and could the Case Officer reasonably conclude that any part of the site ‘may be unstable’. The policy which states ‘*Development proposals will not be permitted on or in close proximity to land known to be, or which may be, unstable*’ gives ‘may be unstable’ as the minimum test to meet. After consideration by Fairhurst their letter dated 01 December 2022 advised –

- 1) The road realignment involves development within or in close proximity to land known to be unstable, and therefore permission cannot be granted in accordance with West Somerset Local Plan 2032 Policy NH9 without inclusion of the stabilisation and coastal defences required to protect the road over its design life;
- 2) The application includes development in an area where the land may be unstable, or in close proximity to land known to be unstable adjacent to Lorna Doone and this permission for development in this area cannot be granted in accordance with NH9. If permission is to be granted to the outline application, a further no-build ‘buffer zone’ as indicated on Plate 1 would be required until such time that information is provided to confirm the land stability risks in this area;
- 3) Out with the areas noted above, if planning permission is granted in these portions of the site, a detailed levels strategy and land stability risk assessment is recommended to be conditioned at detailed design stage to take account of the terracing required;
- 4) Separate to the matter of land stability there are indications on the current layout assumption that the provision of up to 136 No. dwellings may not be feasible. A levels strategy would be required to confirm if the current layout assumptions are likely to be viable.

The full letter is attached as Appendix 4.

12.13. The first conclusion is covered in more detail in the section entitled ‘Delivering the realigned B3191’ from Paragraph 12.54 onwards; in short the road realignment does not solve the fundamental threat from coastal erosion if it is not defended by the accompanying cliff stabilisation works set out in the WSP B3191 report for Somerset County Council (Option 1D). The easternmost access from Cleeve Hill is within the 50m no build buffer set out by Stantec, so whilst proposed houses may be protected by such a no-build area there is nothing to demonstrate beyond reasonable doubt that the road will be protected. There is no scheme for the cliff stabilisation and the agent has made it clear this application is not responsible for it in his opinion.

12.14. The second, third and fourth conclusions are linked insofar as the application as it stands gives no information to test whether future land stability issues may arise. This is due to an outline application being pursued and therefore no detail being available, just an Illustrative Masterplan. Stantec state themselves that without proposed engineering levels they would be unable to

consider this further at this stage. The second reason highlights the issue with this in the vicinity of properties at Lorna Doone with Fairhurst concluding that in the absence of such information a precautionary buffer would need to be employed. Evidence shows that land in the vicinity of No.17 Lorna Doone is unstable. The agent could argue of course that this buffer could be conditioned, however within the no-build zone identified by Fairhurst the Illustrative Masterplan shows approximately 12 properties. This is important in understanding the site capacity given the application seeks permission for 'up to 136 dwellings' and those 136 dwellings or less need to deliver the realigned B3191 and associated planning obligations. The site capacity issues are picked up at Paragraphs 12.39 onwards. It is also the case that should full details of how levels are to be treated in the vicinity of Lorna Doone be put forward then an engineering solution could be found, but this could be costly (to an already largely unviable scheme) and or unsightly. Again, if cliff stabilisation works came forward that would change the Fairhurst conclusions. There are still many unknowns and for a number of reasons and consideration of the advice from Fairhurst and Geckoella on behalf of WTC it is concluded that the original reason for refusal stated by the Council has not been suitably overcome.

- 12.15. It is proposed to split the previous reason and define the two specific issues in more detail.

Pedestrian Access

- 12.16. Reason 3 of the Council's decision on application 3/37/18/015 stated the applicant had failed to demonstrate that there will be adequate pedestrian access to and from the site and was therefore contrary to WSC Policy TR1.
- 12.17. Policy TR1 states development must encourage the use of sustainable modes of transport within the community. The supporting text suggests the purposes of the policy is to maximise potential for increasing the attractiveness of and facilities for walking and cycling as a means of transport in the main settlements. Policy TR2 which was not quoted in the reason for refusal seeks developments to be located and designed so as to reduce the reliance on the private motor car and be accessible by a choice of modes.
- 12.18. This application shares the key similarity with the refused scheme insofar as no segregated or protected pedestrian provision in the form of footways (pavements) is proposed linking the site with the nearest section of footway on Cleeve Hill (B3191) at the Lorna Doone development, estimated to be a gap of circa 120m. The other characteristics to note is that Cleeve Hill (B3191) within this corridor is unlit, single carriageway with hedged banks affording no refuge, with only three private driveways for such. The road is a B-class road and therefore carries significant traffic. When questioned the Highway Authority could not confirm whether this section would have street lighting installed at the expense of the developer, instead referring to a review to be undertaken as part of the s278 technical approval process (post planning).

- 12.19. All commentary on walking and movement should be considered in the context that there is no bus route on the B3191 passing the site and arriving at the town centre or visa versa.
- 12.20. In response to the reason for refusal the applicant has submitted a scheme to enhance a public right of way (PROW) WL 30/1 which adjoins the eastern tip of the site and connects south onto Whitehall, and north onto the B3191 which is now West Street.
- 12.21. In doing so it is assumed therefore that the applicant accepts that Cleeve Hill is not a suitable environment for pedestrians to access the development, due to its narrowness, lack of lighting, lack of footway and the nature of traffic on the route.
- 12.22. The southern PROW linkage onto Whitehall would provide onward linkage to the town centre via quiet roads. The field which the PROW crosses is the other field allocated for development by Policy LT1. The owner is not bringing forward the field for development and has not allowed any physical changes to the PROW to facilitate improved access to this application site, which is their right. As such it is an obstructed (stile), unsurfaced, steep, unlit and unsuitable route for any future occupiers to reasonably use, especially children attempting to walk, cycle or scooter to school.
- 12.23. The northern PROW linkage onto West Street is the section subject to the proposed enhancement scheme. This section passes an allotment area and so there is no lighting, frontage or natural surveillance, and the path is grass/mud (with added dog excrement) and then drops down over a flight of steps, a dog-leg turn leading to more steps and then onto a surfaced and lit section in front of existing houses onto West Street.
- 12.24. A technical note by AWP refers to Policy TR2 and sets out opportunities to improve it. The note does recognise that the route would not in its current state be suitable for all users because it is only partially surfaced and is only partially lit. It also states the path at present is narrow, not DDA compliant and has intermittent pedestrian facilities. The report goes on to say that by improving the existing link and promoting it as the main pedestrian access to the site it would encourage people to use alternative means of sustainable travel, in accordance with Policy TR1.
- 12.25. As it is a PROW there are some limitations in what can be done but the report proposes to tarmac the grass path, explore low-level bollard lighting, carry out a condition survey of the existing handrails and replace the wooden backed steps with properly surfaced treads. The report rules out the potential for ramps to make the route DDA compliant. The report states this route provides onward travel to the town centre via West Street and Market Street and would be the route to school via the pedestrian bridge over the railway line. A route to school plan also shows the applicant proposes 5 spots along West Street, Swain Street/Harbour Road, and Liddymore Road where dropped kerbs could help facilitate pedestrians.

12.26. It is proposed this work forms part of a s106 with a dedicated sum of £30,000 to deliver it. This scheme has been agreed as implementable by the Public Rights of Way Team and SCC Highways whom state, *“it is the County Council’s opinion that improving this path as far as possible is the best option available for pedestrian access to the site, should the LPA be minded to grant consent”*. On the issue of lighting SCC Highways state *“Initial view from Highway Lighting is that it is not necessary, but design and audit processes might come to a different view”*. When questioned whether £30k was enough s106 contribution, *“No. Costing is very much ballpark based on similar footway schemes. Might be wise to craft an optional contribution into the s106 in the event that lighting is deemed necessary.”* Even in seeking to provide certainty as a response to the previous reason for refusal there are still outstanding answers.

12.27. The case officer assessment of this needs to consider the aim of the relevant policy, the view the Council took in determining the last application and the view of consultees.

12.28. The primary aspiration here must be to provide high quality pedestrian linkages to all relevant destinations to avoid the reliance on the private motor car. High quality should encompass access for all, safety and directness. Whilst the Highway Authority may not object it is felt this cannot be regarded as the sole pedestrian route into a development of this size or in fact any size. This design bakes in car dependency and social isolation at its infancy. The route, even taking into account the modest proposed improvements, would not provide adequate safe and convenient access for all and is dependent on an exploration of potential lighting to make it barely useable outside daylight hours. The evident concerns immediately visible after an initial site visit were flagged up to the Avon and Somerset Police Crime Prevention Design Advisor whom himself visited the site and made the following observations: *“I feel this pedestrian route is completely unsuitable for the proposed large scale new development.....the footpath would be unsuitable for use by parents with children in pushchairs, the elderly and disabled, particularly if using wheelchairs or mobility scooters”*.

12.29. Police advice with regard to footpath layout and design is as follows:-

Footpaths in new developments:-

1. Visually open to users and nearby residents
2. Direct
3. Well Used
4. Should not run to the rear of dwellings

Segregated Footpaths i.e. not running alongside roads etc. (as in this case):-

5. Straight as possible
6. Wide (isolated footpaths should be minimum of 3 metres to allow persons to pass without infringing personal space)
7. Well lit (see below)
8. Devoid of potential hiding places
9. Overlooked by surrounding buildings and activities

10. Well maintained to enable natural surveillance along the path and its borders

Planting Next to a Footpath:-

11. Should not immediately abut as this can result in overgrowing, creating pinch points and areas of concealment
12. Trees and shrubs overgrowing paths can impede natural surveillance and obstruct lighting making it difficult to maintain a clear and accessible route
13. Footpaths near buildings and roads should remain open to view

Lighting of Footpaths:-

14. If intended for 24 hour use, lighting should comply with BS 5489:2020
15. If not 24 hour use, footpath use should be deterred during hours of darkness
16. Bollard lighting should be avoided, as it is easily obscured, does not project sufficient light at the right height making it difficult to identify offenders and raises the fear of crime for users and is also easily vandalised.

It is arguable whether the route as whole as improved would meet any of these criteria satisfactorily.

- 12.30. The route joins West Street where there is no pedestrian crossing (informal or otherwise) to the footway on the other side of the road and this is an area where refuse/recycling is put out for collections and where cars park affording poor visibility. Many local residents have objected to the application on the basis of increased traffic impacting upon pedestrians from this point onward towards the town centre because of the lack of appropriate and continuous footways, resulting in people having to criss cross the roads for what footway provision there is or worse still walk in the road. It is understood there is a lack of space to provide such infrastructure but that is not itself a reason to allow the situation to become worse. If people cannot walk from the site they will be resigned to using their car and this will unduly impact on those further down West Street trying to walk to the town centre, and those using the town centre.
- 12.31. The walk to school route proposes 5 places where dropped kerbs and or tactile paving could be installed on side roads to improve the pedestrian journey to the primary school. The applicant was asked whether this work had been costed for the s106 agreement but there was no reply. It does however indicate parents and children will use the pedestrian bridge over the railway line. The pedestrian bridge provides an obstacle for those with buggies, pushchairs, cycles, scooters, mobility aids or mobility issues and so would not likely be used by a large proportion of those walking to school.
- 12.32. One alternative is walking along Swain Street to the junction with Brendon Road and then walking along Brendon Road to South Road. Neither Swain Street nor Brendon Road have pavements to make this journey easily.

- 12.33. The most direct and navigable route is therefore via Goviers Lane which connects directly into Liddymore Road on which the school is sited. This requires crossing the level crossing (pedestrian only) over the West Somerset Railway (WSR). Dialogue with WSR has indicated a worsening issue managing the level crossing with reports on several near misses and fears concerning liability which would impact on the railway operator (a heritage based tourist line) or the retention of the level crossing as a pedestrian passage. Concerns were raised by WSR in May 2018 in conjunction with the development at East Quay (application 3/37/17/030), which the level crossing adjoins. The application suggested the development would bring 100,000 visitors to Watchet, some of whom would explore the town via Goviers Lane, using the level crossing given the limited other options and its proximity.
- 12.34. The report listed Policy WA1 (Watchet Development) as a relevant policy. This policy requires, where appropriate, to improve linkages between the town centre and the parts of the town to the south of the railway. The Officer's report commented on the concerns raised by WSR and it was concluded measures would be considered as part of the Travel Plan for the development. There is no evidence of this having happened and this will be investigated with the operators of East Quay and WSR.
- 12.35. The issue identified with the East Quay development and a fact that is germane with this application is there is no data to illustrate the current use of the level crossing and therefore there can be no calculation as to the added foot traffic any one development may contribute over and above natural growth in the town and seasonal variations. This is something that has been discussed with WSR moving forward. It should be noted that other developments at Liddymore Farm and Donniford Road have also been approved, some 400 homes, without discussion with WSR and seemingly no mitigation as required by Policy WA1. WSR is clearly concerned that one more development/event or change of approach may be the straw that breaks the camels back.
- 12.36. If this application had been policy compliant in every other way this concern of WSR will have needed more investigation and assessment by the applicant, however given the previous reason for refusal based on pedestrian connectivity it is consider appropriate to capture this issue in that reason.
- 12.37. When viewed as a whole the pedestrian journey from the site to the town centre, the primary school and most other services in the town is so torturous, convoluted and in places just unsafe as to conclude the initial view of the Council that adequate pedestrian access to and from the site has not been sufficiently proposed to overcome the reason for refusal and the application remains contrary to Policy TR1 and is also contrary to Policy TR2 of the West Somerset Plan and is also contrary to Policy WA1 of the West Somerset Plan. Irrespective of the decision on this application the issues raised by WSR remain an issue the wider Council's (County and District and in future the Unitary) should work to address.

12.38. The Illustrative Masterplan also shows a connection to PROW 30/2 which runs in the adjacent field to the south. This connection would be worthwhile but the point of connection shown crosses third party land for which no consent has been given. As such this linkage cannot be relied upon. To stress this would only ever be a recreational route for dog walking, rambling etc. Any other link along this boundary would disrupt the ecological buffer shown and would require a replan of the Illustrative Masterplan and a consideration of the levels.

Site Capacity

12.39. This application seeks outline consent with all matters reserved except access for up to 136 dwellings. The viability exercise has been based on 133 dwellings and the illustrative site plans show 133 dwellings. Further changes at the reserved matters stage could mean 136 dwellings are proposed. All planning contributions have been calculated on 136 dwellings as per the description.

12.40. Whilst scale, layout, landscape, appearance are reserved for future consideration the quantum of development, up to 136 dwellings, is not. It is noted the allocation Policy LT1 does not refer to how many dwellings the site (including the field not included) are allocated for. The applicant has submitted a Landscape and Visual Capacity Appraisal. The report assesses the site, without a proposed site layout plan, and divides the site into parcels or areas which have distinct characteristics and differing capacity for development.

12.41. The report concludes – Visual Impacts: *“From this appraisal it is considered that the site has a fairly wide visibility due to its open and elevated position and is located on the edge of the built area of Watchet. These sensitivities can be mitigated to a large extent by working within the visual limitations of the site and proposing development where it is less visible and has a lower visual impact. This should result in a development that works with its urban edge location, providing a reduction in density as moves from east to west. In combination with the enhancement of vegetation assets to the south of the site and between it, and the majority of the visual receptors, a degree of screening and filtering can be achieved to raise the acceptability further”.*

12.42. The report concludes - Landscape Impacts: *“The landscape impact of any development will include the change of landscape cover on the site and a possible encroachment of built development towards local landscape sensitivities to the west at Daws Castle, the Lime Kilns and Cleeve Hill SSSI. These sensitivities can be mitigated by restricting development towards the western end of the site and providing a landscape buffer to the sensitive features. Enhancing the elements on the site that are making a contribution to the local landscape character, such as hedgerows and habitat areas will also help raise the acceptability”.*

12.43. The Opportunities and Development Capacity Plan shows those areas with a higher degree of sensitivity and therefore less capacity and those areas with a lower degree of sensitivity and therefore with potential for development.

- 12.44. These findings however have not been translated onto the illustrative site plans that show 133 dwellings. The area to the west near Daws Castle which the applicant's own report says should be kept free of development shows 10 properties, albeit possibly bungalows. The areas which the report says has high visibility with some opportunity for development also says building heights should retain views east from Daws Castle and the Lime Kilns. Again the illustrative plan shows dense largely terraced two-storey housing. If the report was to be followed more bungalows may be employed and therefore there will be more land take from fewer units. The eastern end has a medium degree of visibility with fairly steep slopes, the report says this has the opportunity to match the density of surrounding development. Whilst the description of the area is accurate, it is felt the cue for density would need to come from Saxon Ridge rather than Lorna Doone, and because of the steep slopes and evident ridge the number of dwellings shown on the illustrative plan is also ambitious.
- 12.45. The Council's Landscape Architect has reviewed this issue and has expressed concern regarding the fact the appraisal focuses on density and building height and not the pattern and type of development suitable for this site. His assessment is that the illustrative plan shows at least 24 units too many, and with regards to the potential use of bungalows he opines this would not give rise to a positive settlement edge character.
- 12.46. Commentary in the 'Land Stability' section of this report suggests that up to 12 further properties on top of the 24 suggested by the Landscape Architect may be lost to create a buffer in an area known to be unstable. That takes us to 100 properties instead of 133-136.
- 12.47. A plan has been provided illustrating the realignment and levels of the new section of the B3191, DrNo.PHL-101 RevB (AWP). This plan shows, not unexpectedly the cut and fill required to deliver an adoptable road. It shows a cutting at the Saxon Ridge end and some fill at the Blue Anchor end. The impact of the cut and fill is that there is large areas of slope either upwards or downwards from the new carriageway edge which would impact on the layout shown on the Illustrative Masterplan. This would result in houses being set back and set higher or lower relative to the road. In short, the Illustrative Masterplan has not taken this plan into account. By adjusting the layout to suit you would either need to excavate further which would impact on the resulting streetscene or make the scheme further unviable by even more extensive land reprofiling with subsequent impacts for drainage, landscape and heritage for example. This lack of joined up thinking it is considered would reduce dwelling numbers further by approx. 15 to nearer 85 at best.
- 12.48. The ecology section will also highlight that a lack of attention from the applicant in this regard means an ecology buffer has been added to the southern boundary during the application process which impacts on the gardens sizes to 28 properties, some of which will not be unviable meaning fewer houses will be achievable, whilst the retention of scrub on the rear boundary of Lorna Doone properties complicates issues there.

- 12.49. Why is this so important now? It is important to test the capacity of the site now because the description states permission is sought for up to 136 dwellings, and this will give the eventual developer a target. Rarely will a developer choose to develop to a significantly lesser density than an outline permission allows for. This has four major implications – the applicant’s own report suggests there would be visual and landscape impacts plus harm to the setting of Daws Castle, secondly the illustrative plan has not paid adequate attention to the topography which means at the reserved matters stage there will need to be significant land reprofiling to create development platforms which will impact on the quality of the scheme, its landscape integration and impact on adjoining neighbours, and thirdly the necessary significant drop in dwelling numbers to that capable of being accommodated on this sensitive site means the viability appraisal is rendered null and void. The only conclusion that can be reached is that the scheme would then not generate the returns to pay for the realigned road on which the allocation is predicated, nor may it be able to fund the other planning obligations required to make the development sustainable. Even setting aside affordable housing at 0%, the need to pay for the road is driving the need to deliver a quantum of housing to secure a return for the landowner large enough for them to release the site.
- 12.50. Policy WA1 requires development to sustain and enhance the attractiveness of the historic character and heritage assets as a tourist destination. It is considered the push to extend the development footprint and sweat the asset would result in an over dense development which when viewed at elevation in the context of the other hillsides of Watchet will jar with the modest density and extent of greenery. It is considered and informed by the comments of the Council’s Conservation Officer and Landscape Architect that this objective is not met, see Paragraph 12.98 onwards.
- 12.51. Policy LT1 says the scheme should be guided by an Illustrative Masterplan and that masterplan should include the use of soft landscaping, green space and sympathetic design in terms of appearance, to mitigate harm. The Illustrative Masterplan in this case is blind to a multitude of issues as described above and when viewed alongside other plans show that the site capacity is nowhere near what is being applied for and if ‘up to 136 dwellings’ were approved now there would be almighty issues stored up for the Reserved Matters stage and worse still the road, the very thing this site is actually allocated to deliver, would also be compromised.
- 12.52. This tips the planning balance irrevocably for this application towards a refusal as impacting upon the Historic Environment – Policy NH1 – the proposal would not sustain and /or enhance the historic rural urban and coastal heritage. Insufficient information has been provided which demonstrates that the setting of Daws Castle has not been compromised. It is noted that Historic England argue that the site had a defensive purpose and its surveillance of the surrounding landscape is a defining characteristic.
- 12.53. Furthermore Policy NH5 - Landscape Character Protection; this policy, *“requires that the character of the area should be treated as an important*

factor when designing and deciding on development proposals and that development should be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area.” The way this application has been approached guided by the Illustrative Masterplan shows that a development of ‘up to 136 dwellings’ cannot be suitably accommodated with the site constraints and the local landscape character would suffer as a result.

Delivering the realigned B3191

- 12.54. In considering the West Somerset Local Plan the Local Plan Inspector said the site “is proposed as it offers an opportunity to realign the B3191, the current route of which will be subject to coastal erosion. The Council explained that this was a vital part of the strategic highway network in the event that the A39 was unavailable for any reason”.
- 12.55. Policy LT1 was adopted stating”to the west of Watchet at Cleeve Hill.....and also to providing a new alignment for the B3191 to address the impact of coastal erosion”.
- 12.56. The LPA is not seeking to question whether the road will need realigning, it is evident the road has been partially realigned once in 1952 when the road was rebuilt 8m inland, and the threat of coastal erosion continues. The proposal seeks to deliver part of Option 1D identified in the Somerset County Council (SCC) commissioned B3191 Watchet to Blue Anchor Option Assessment Report, February 2020 by WSP. This set out a number of options including a route through the Paper Mill (Option 1A), a link from Market Street/West Street across the back of Whitehall (Option 1B), coastal and cliff stabilisations measures (Option 1C), a route from the B3190 Washford Hill/Five Bells to west of Warren Farm Caravan Park (Option 1E) and Option 1F a tidal lagoon. Option 1D is in two parts, the realignment of the B3191 in the manner generally shown in this planning application, plus revetment on the beach to protect the lower slope and soil nails and mesh protection to the upper slope, at the pinch point at Saxons Ridge. This latter part of the option is not part of this planning application. As such one must regard this application as only contributing partly to the realignment and defence of the B3191. This is important because if undefended by the revetment and upper slope stabilisation work the B3191 at the pinch point is still as vulnerable as it is now. Even only installing the revetment means the upper slopes are still vulnerable. The WSP report for SCC shows predicted recession line of the cliff in the vicinity of Cleeve Hill. This prediction shows the pinch point very close to being eroded within 30 years and fully eroded within 60 years. This prediction is somewhat heightened by the fact the Town Council allotments further east on West Street, which are shown on a similar trajectory have succumbed to an acceleration of the erosion rate within the last few months and are now closed and useable on Health and Safety grounds.
- 12.57. The applicant has argued the policy wording does not compel his client to fund the entirety of the road, despite the supporting wording which the LPA suggests does. The site would not have been allocated should it not have

presented the opportunity for said development to deliver a realigned road. Attention then turned to what the road would cost to deliver. The applicant has not undertaken any costing exercise, intend relying on SCC estimates of between £7-10m (between £6.8 million without optimum bias and £9.7 million with optimum bias).

- 12.58. From the assessment regarding the delivery of affordable housing the delivery of a £7m road wipes out any affordable housing. If in fact the road costs more than £7m then incrementally all other required planning obligations for education, health, leisure (community), the steam coast trail, the PROW upgrade and heritage interpretation will be prejudiced. Given the context, that these figures are estimates by the SCC, made an unknown time ago, on a tricky site and against a backdrop of rising costs it is not unreasonable to assume the true final cost will be towards the top or beyond of the £9.8m, in the context that the applicant has provided no information or evidence to the contrary.
- 12.59. Then to recap the delivery of Option 1D and the project to defend the B3191 realigned or otherwise rests on the whole project being implemented at the same time or without a long gap in between. The applicant has stated they do not consider the revetment and soil nail works to be their obligation, presumably because it is not expressly stated in the policy. However, one could argue that this work is part and parcel of the realignment of the B3191 which is a policy requirement. So, who does the revetment and soil nail work rest with? Ultimately this is SCC as the Highway Authority given the implicated B3191. From investigations during this application it is clear there is no active project to progress the revetment and soil nail work, indeed this part of Option 1D will cost circa £2m.
- 12.60. Given the alignment works are inherently linked to (and as Khift Ltd describe) parasitic upon the cliff stabilisation works the individual and cumulative impact of these works should be accessed under the EIA Regulations 2017 as they would comprise the same project.
- 12.61. In addition, the process to gain consent for the cliff stabilisation works is extensive and not guaranteed. Discussions with the EA and a SWT colleague involved in the Blue Anchor scheme indicate the role of the Marine Management Organisation, Natural England, the EA, Crown Estate and landowners all coming together with SWT as current Coastal Protection Authority and SCC as Highway Authority to reach a solution. Technical issues revolve around what you do and how you do it, costs, and the environmental impacts for it and against it. The comments of Natural England are already noted in terms of the impact on the SSSI and these concerns may be added to once ecological surveys are undertaken. Daws Castle is an important element along this coastline but its preservation does not seem an overriding determining factor. The Devon and Somerset Coastal Advisory Group indicate this stretch of coastline, known as Policy Unit 7d25, as 'Hold the line' whereby you would intervene if funds were available to do so.

- 12.62. These points were ratified in a response from the Strategic Commissioning Manager – Highways and Transport at SCC, when asked about an eventuality whereby this application was refused again: *“Our observations on the planning application have advised on an appropriate form of access for the development considering the predicted extent of cliff recession shown in the Watchet to Blue Anchor Options Assessment Report, March 2020. We have advised that ideally an access would follow the preferred future alignment of the road as set out in Option 1D of the report. We do not view this application as a strategic solution to the risk of failure of the road given that as you note, the strategic solution requires road realignment and associated cliff protection and stabilisation measures, therefore the failure of the planning application does not change the options that are available to us to manage and mitigate the risk of failure. Any road constructed by developers along the new alignment and associated dedication of land would of course reduce the cost of the strategic solution to the public purse, but not to the extent that it were likely to be affordable as a complete solution in the near future. In the absence of planning consent for the development, our preferred strategic solution will remain to divert the road and protect/ stabilise the cliff but I must be absolutely clear that there is no obvious funding source for this work, so it remains a long-term aspiration. We will continue to actively consider our shorter-term options for managing and mitigating the risk of failure of the road and plan to discuss options with the new administration shortly. We will advise on the conclusions of this work in due course. It is worth noting that the ‘impacts of doing nothing’ set out on page 28 [of the WSP report] have already been addressed, in that the report resulted in us choosing to invest in cliff protection works at Blue Anchor to maintain access to businesses in the area in the event of a failure at Cleeve Hill”.*
- 12.63. This overview reinforces that the road realignment alone is not enough without the cliff stabilisation works and the consequences and cost in financial and other ways of pursuing the road in isolation as part of the residential development needs careful consideration. To that end the Case Officer does therefore concur with the view of Khift Ltd (Solicitors) employed by The Cleeve Hill Action Group and Geckoella.
- 12.64. The road has monitoring equipment, triggered by movement and ongoing risk assessment has led to a weight limit being applied and manual gates being deployed to close off the road if movement is detected. SCC is still deciding whether to implement WSP recommendations made in November 2021 for short term protection at the toe of the cliff in January 2022, favouring for now, a continuation of the monitoring undertaken for the last 21 years. SCC state: *“This June 2021 inspection report is leading us to consider whether any further action is required to further mitigate risks associated with the situation beyond the management measures already in place”. “We will continue to actively consider our shorter-term options for managing and mitigating the risk of failure of the road and plan to discuss options with the new administration shortly.”*
- 12.65. The consequences of the B3191 failing are discussed on Page 28 of the WSP report as mentioned above, this set out that intervention on the B3191 is

therefore critical for connectivity, tourist routes, a formal diversion route if the A39 is blocked, and support for local developments. The SCC view is those matters have been addressed to an extent by the progression of the Blue Anchor scheme, which forms the other half of the WSP options appraisal. Clearly if the B3191 did fail, and this could be at any time, Watchet would be less connected than it currently is and that could have many known and less known consequences.

- 12.66. The Town Council were asked on their view as to the economic and social value of preserving the link via the B3191 via the approval of this application, but the response reaffirmed their stance against the development and an understanding that SCC would have to solve the problem (through CPO and their own funds). The public view that the Paper Mill option should be pursued is ruled out by SCC as *“being too expensive due to the structures required to achieve the route compared to the preferred option (Option 1D)”*.
- 12.67. The applicant’s view (expressed by their agent) is that the Council should be prioritising this application in order to secure this vital piece of highway infrastructure; they have been at a loss to understand why there is not more urgency from the Council’s end given the situation and the opportunity to deliver a necessary highway solution at no cost to SCC. The repost to this is proper investigations have needed to be undertaken to inform his report. The agent’s role and involvement in this site is a temporary one whilst the consequences of any decision will live long in the community. The Planning Committee need all the facts (and viewpoints) in order to make a robust decision, should that be to refuse again to ensure the LPA is resilient to an appeal or legal challenge.
- 12.68. In summary the completion of the whole Option 1D project appears imperative, to be absolutely clear, is there value in realigning a road which would be just as vulnerable as before for an over-dense, non-affordable housing yielding development, where the eventual cost of the road may also wipe out other planning contributions being affordable rendering the development sustainable in virtually every policy metric possible?
- 12.69. The road will continue to be monitored by SCC, until and unless an even greater urgency transpires.

Phasing/Prematurity of the Site Coming Forward – Policy LT1

- 12.70. Policy LT1 (Post 2026 Key Strategic Development Site) sets out this site and another in Minehead are held in reserve as a contingency and could potentially be released early if monitoring demonstrates a significant, ongoing shortfall in the rate of development of Key Strategy sites for Minehead and Watchet, or if those sites deliver less housing than anticipated in the plan. The site could also be brought forward if the need to realign the B3191 becomes imperative due to coastal erosion. Due to the presence of this policy, Policy SC1 is not relevant as this captures all other development proposals not covered by a specific allocation.

- 12.71. An assessment of the Key Strategic Sites in Watchet and Minehead has been undertaken. In Watchet this site is Parsonage Farm allocated under Policy WA2 for 290 dwellings and 3ha of non-residential uses. Since the Local Plan was adopted in November 2016 this site has not come forward. During November 2022 a Public Exhibition was undertaken to start the process of public engagement and the assumed progression towards an application at some point. As such it is clear as far as Policy LT1 is concerned there is likely to be a significant shortfall which will not be addressed by Parsonage Farm by 2026 (this is based on 12 months to gain an outline, 12 months to seek Reserved Matters and mobilise on site and 24 months build out at 50 units per year, if carried out seamlessly and sequentially from this point in time).
- 12.72. In Minehead this site is Hopcott Road allocated under Policy MD2 for 750 dwellings and 3ha of non-residential uses over several land interests. Since the Local Plan was adopted in November 2016 one parcel has gained permission for 71 dwellings and is being built out pursuant to application 3/21/17/119, otherwise another parcel gained permission for 80 dwellings in outline but the permission lapsed (3/21/15/014) and another (3/21/19/092) gained consent for 60 dwellings in outline but hasn't come forward for reserved matters. The remainder of the site has interest but will only add 300. So in total approx. 501 dwellings are earmarked when the local plan stated 750 dwellings. The shortfall being attributable to the challenging topography and levels on the site.
- 12.73. As such it is clear as far as Policy LT1 is concerned there is likely to be a significant shortfall which will not be addressed by the Key Strategic Sites in Watchet (Parsonage Farm) and Minehead (Hopcott Road) by 2026 and it is therefore reasonable to trigger the LT1 sites, inclusive of this application site. The Case Officer does not therefore concur with the view of Khift Ltd (Solicitors) employed by The Cleeve Hill Action Group.
- 12.74. Outside of the LT1, WA2 and MD2 sites the five-year housing land supply in West Somerset is healthy at 7.4 years. However the 5-year housing requirement in West Somerset is relatively small and as such delay to one sizable development can have disproportionate impacts on the stated land supply figure. It remains the case that permissions are required on allocated and policy compliant windfall sites to maintain a strong housing supply position to stave off inappropriate speculative applications in villages.
- 12.75. Setting aside the 5-year land supply matter Policy LT1 does not recognise ongoing development in Watchet, at Liddymore Farm, nor in Williton. As such given the (lack of) progression of Parsonage Farm and Hopcott Road it is not advised to refuse this application on the basis of prematurity associated with Policy LT1. Even if approved now it is unlikely any development on this site would occur until 2024 and given the overall view is that planning permission should be refused any appeal process or revised application would extend this to 2025. As time goes on the strength of the prematurity argument dilutes.
- 12.76. The supporting text to Policy LT1 also says the application site could be brought forward if the *'need to realign the B3191 becomes imperative due to*

coastal erosion'. The investigation, research and assessment so far outlined in this report indicates that given the input of Somerset County Council as Highway Authority with responsibility for the B3191 it cannot be regarded as imperative right now, however the picture is ever changing and one storm could change that, however no strong representations have been made to that affect to this application and there is no scheme for the associated cliff stabilisation works, and so the evidence is suggesting this trigger has not be met either. The Case Officer does therefore concur with the view of Khift Ltd (Solicitors) employed by The Cleeve Hill Action Group. As Khift Ltd point out the Highway Authority can use its statutory powers to achieve the realignment (albeit at its cost) without this application being approved.

Watchet Development - Policy WA1

12.77. In addition to Policy LT1 which refers to the Cleeve Hill site specifically there is also a general 'development in Watchet', policy, Policy WA1.

12.78. It states development proposals must:

- support and strengthen the settlement's role as a local service and employment centre for the north eastern part of West Somerset district, particularly in terms of the range and quality of its services and facilities, and
- sustain and enhance the attractiveness of the historic character and heritage assets as a tourist destination, including the operation of the marina.

12.79. In response the site allocation did not require employment or service provision, nor is it the right site for such, the increase population would help support and perhaps create local services especially outside the tourist season.

12.80. In terms of sustaining and enhancing the attractive of the historic character and heritage assets this proposal has already been assessed at Paragraph 12.98 onwards and found to fail in achieving this.

12.81. Policy WA1 continue to require where appropriate, development proposals to also:

- contribute towards resolving the flood risk issues which affect the settlement,
- allow for potential realignment of the West Somerset railway which may be necessitated by coastal erosion,
- improve linkages between the town centre and the parts of the town to the south of the railway,
- provide additional allotments for the town, and;
- complement the provision of employment opportunities, services and facilities in neighbouring Williton.

12.82. In response the site drainage strategy is advocating a sustainable drainage system but concerns have been raised by Wessex Water and so it has not been proven that existing flooding issues elsewhere would not be made

worse. The site is not in the vicinity of the West Somerset Railway to provide land for realignment and the site allocation did not require employment or service provision. In terms of improving linkages between the town centre and parts of the town south of the railway this is assessed at Paragraph 12.33 onwards and no specific mitigation has been put forward, despite it being relied upon as a safe walking route to school.

12.83. In terms of allotments there would be an opportunity to repurpose public open space forming the buffer to Daws Castle if Members felt that was an appropriate use for the setting of the scheduled ancient monument and the Parish Council were happy to adopt, set up and maintain that area. The relevant SWT Officers have sought an off-site contribution for allotment land to be secured elsewhere, as set out at Paragraph 12.106 onwards and this may be preferable given the evident access issues. It is also noted that the Parsonage farm allocation has a specific requirement to provide allotments where the contribution from this site could be utilised more effectively. The recent loss of plots on West Street to coastal erosion has heightened the need for urgent reprovision.

12.84. In conclusion it is argued the development falls foul of Policy WA1 due to the impact on the attractiveness of the historic character and heritage assets and the lack of suitable improvement to linkages between the town centre and parts of the town south of the railway including the primary school.

Transport and Highways

12.85. The issue of pedestrian connectivity has already been considered and assessed above at Paragraph 12.16 onwards. All commentary on walking and movement should be considered in the context that there is no bus route on the B3191 passing the site and arriving at the town centre or vice versa.

12.86. A key issue for the Town Council has been the wider highways impact. Not accepting of the view of the Highway Authority the TC commissioned their own report via Entran Consultants which questions the approach of the Highway Authority and previous Planning Case Officer. Principally the reliance on this being an allocated site and a lack of acknowledgement concerning the highway impacts of the development. Indeed, Watchet Town Council suggest four policy-based reasons for refusal are sound and defensible as detailed below:

- 1) *The applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be mitigated to an acceptable degree. (NPPF)*
- 2) *The applicant has failed to demonstrate that any impacts from the development in terms of highway capacity and congestion will not have an adverse effect on the attractiveness of Watchet as a tourist destination. (Policy WA1)*
- 3) *The applicant has failed to demonstrate that safe and suitable access can be provided to and from the site for all users including pedestrians,*

cyclists, and people with disabilities and reduced mobility. (TR1 and NPPF)

- 4) *The proposed development does not give priority first to pedestrian and cycle movement and then to public transport passengers to maximise the attractiveness of modes of transport other than the private car. (TR2 and NPPF.*

12.87. In response the Highway Authority stated: “In the interim since our aforementioned correspondence at the end of August, the LPA has asked the Highway Authority to provide comment on the Transport Appraisal commissioned by Watchet Town Council which questions the applicant’s own transport assessment and findings. Having reviewed this document it is not considered that it meaningfully undermines the conclusions of the applicant’s TA or gives reason for the Highway Authority to require the applicant to revisit this matter. As such the Highway Authority remain of the view that it would be difficult to object to the proposal for either highway safety or traffic impact reasons”.

12.88. The TC remain disappointed that the Highway Authority has not provided a more complete justification as to why they disagree with the TCs suggested four reasons for refusal.

12.89. Significant concerns about the consistency of advice given on the concurrent applications for this scheme and that for the Former Paper Mill, ref 3/37/19/021. The Paper Mill has attracted an objection about safe walking routes to school whilst this application has not, despite the road environments being very similar. In response the Highway Authority stated: “*We have previously had a discussion on the comparisons drawn between this site and the Paper Mill scheme in respect of NMU [non-motorised users] connectivity to the east side of Watchet and specifically the local primary school. It is acknowledged that both schemes experience similar issues, with limited pedestrian crossing facilities over the railway line and South Street / Donniford Road. Due to the scale of the Paper Mill scheme however and the immediacy of the site access on to Brendon Road it is considered that the need to improve these walking routes through this scheme is greater*”.

12.90. As the Highway Authority has not objected there is no assessment of car parking capacity in the town centre because people will be forced to drive and no impact on extra car journeys to the primary school due to the need for people to drive due to the inhospitable walking environment. The flow of traffic through the narrow High Street of Watchet is similarly not assessed other than not being considered severe. Another criticism of the Highway Authority is the lack of acknowledgement of the impacts of cumulative development impacts in Watchet.

12.91. These include approved residential developments at Liddymore Farm and Donniford, plus the pending application at the Former Paper Mill and additional allocation and future development site at Parsonage Farm. For example, there is no acknowledgement of the impacts of the East Quay development, ref 3/37/17/030. No visitor car parking and no off-site planning

obligation to improve walking cycling or indeed car access to the town generally or town centre specifically to mitigate the impacts of some 100,000 visitors annually. No improvements to the Goviers Lane railway crossing were secured despite concerns raised by the West Somerset Railway.

12.92. So in conclusion on the highway impacts one needs to be mindful of the NPPF guidance at Paragraph 111 that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. As such the bar can be considered to be very high as to what constitutes a severe impact especially if you only consider one development at a time rather than the cumulative impacts of development in any town over time. Whilst this is the paragraph the Highway Authority may focus on the next Paragraph states:

“Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”*.

From the assessment above it could be considered the proposal fails on points a), b) and c).

12.93. Policy SC5 seeks a better balance of land uses to minimise overall transport use however this site was allocated for housing only, but the lack of pedestrian connectivity and/or access to public transport does encourage use of the private car most of which will filter through the town centre.

12.94. In considering whether to recommend refusal reasons based on traffic impact in Watchet, founded on reasons 1 and 2 suggested by Watchet Town Council at Paragraph 12.86 one is minded of the lack of objection from the Highway Authority and the fact the Council’s previous decision did not contain such a reason. At any future appeal in defending such a reason or reasons, should the Planning Committee be minded to impose them now, there would be no professional support from the Highway Authority and as such the LPA would need to garner support from an external consultant, who was content to defend such reasons, or Watchet Town Council could agree to be a Rule 4 party meaning they could employ Entran to defend that reason or reasons, with responsibility to cover any fees or costs awarded by the Inspector. Given the other issues identified with the application it is suggested the wider

sustainability of the development be promoted as the primary issue rather than the specific impact of traffic on Watchet.

- 12.95. The Highway Authority also point to the requirement for a Travel Plan to be secured via a s106 agreement. The idea of a Travel Plan is to encourage sustainable travel, but it is questioned that with a lack of suitable infrastructure to facilitate such, the effectiveness of a Travel Plan will be prejudiced.
- 12.96. Other matters to consider are the impacts, albeit temporary, of construction traffic, given everything said above. It is entirely possible that construction impacts will be significant upon the local community and the local highway network. This section deals with the latter. The level of excavation and land modelling to create the development platforms will likely yield to significant 'muck away' trips. The fact the B3191 has a recent weight limit applied to it, due to the stability of the coast road and the road network through Watchet and from Blue Anchor do not easily support the movement of HGVs should in combination ensure a very bespoke Construction Environmental Management Plan (CEMP) which may require a remote compound to manage the size of vehicles accessing the site. This will likely add cost which further prejudices the delicate viability of the overall scheme.
- 12.97. In terms of the internal road layout this will be a reserved matter although modern estate road standards will be applied by the Highway Authority. This ironically will require wide footways, street lighting, road markings and signage, which will be viewed slightly at odds with the standard of the road leading to and from it. To counter this standard design, and as a recognition of the alternatives provided, the Highway Authority recognise some non-motorised users such as cyclists are likely to travel via Cleeve Hill. With this in mind, a reconsideration of the speed limit along West Street, Cleeve Hill and extending through the site to 20 mph may be beneficial. This would require a Traffic Regulation Order (TRO), which would need to be secured through a s106 agreement as part of any permission granted. The Highway Authority state therefore *"a scheme of works to control traffic speeds would also need to be considered"*. It is unclear whether this means within the site only or whether this would extend towards the town centre, and it is unclear whether this has been costed and therefore this could likely add cost which further prejudices the delicate viability of the overall scheme.

Landscape, Heritage and Archaeology

- 12.98. Policy LT1 includes wording in respect of the safeguarding and enhancement of the Daws Castle and associated heritage assets. It also specifically refers to options for rescue archaeology excavations in advance of further coastal erosion of Daws Castle will be sought through Section 106 Agreements. A sum of money has been put forward to address the latter, although it is not as much as requested, see Paragraph 12.106 and 12.112.
- 12.99. In terms of the setting this has already been discussed in Paragraph 12.39 onwards insofar as the Illustrative Masterplan encroaches into an area that

should be left undeveloped in the opinion of the applicant's own landscape study. In this regard the proposal is contrary to Policy LT1.

- 12.100. As well as the heritage and landscape references in Policy LT1 there are also policy tests to safeguard the historic and landscape character of settlements in West Somerset contained within policies NH1 'Historic Character', NH2 'Management of Heritage Assets', NH5 'Landscape Character Protection', NH7 'Green Infrastructure', NH13 'Securing High Standards of Design', NH14 'Nationally Designated Landscape Areas' and with specific reference to Watchet in Policy WA1. Whilst this is a weight of policy, when distilled, the fundamental objective is to sustain and/or enhance the historic rural, urban and coastal heritage of the district and maintain elements of the historic environment which contribute towards the unique identity of the area and help create a sense of place. The same policy aspirations are found within the NPPF at paras 130, 134, 176, 199 and 200.
- 12.101. The critical views of the Council's Landscape Architect and Conservation Officer are echoed by a detailed response from CPRE in particular the sense that due to the elevated nature of the site the proposed form and quantum of development would result in intervisibility between the site and the conservation Area and the site and heritage assets that would be harmful. The Landscape Officer also assesses the negative impact on the AONB.
- 12.102. The Conservation Officer neatly opines "*The proximity of the site to the Scheduled Monument of Daw's Castle and the listed limekilns, would sever the separation of these features from the town, an element of the setting of Daw's Castle, in particular, which makes a considerable, positive contribution to its significance. The setting of the limekilns would also suffer visual intrusion from the development. The current buffer incorporated into the design on the W side of the development is not considered wide enough to preserve the isolated setting of the castle. There has been little attempt to enhance the monuments within the proposed development*".
- 12.103. The Illustrative Masterplan does not demonstrate an understanding or valid attempt to consider, assess and allow for the landscape setting of Watchet or the significance of all the above-mentioned heritage assets. This is contrary to Policy LT1, WA1 NH1, NH2, NH5, NH13 and NH14 of the West Somerset Local Plan to 2023 and the mirrored aspirations set out in the NPPF. In line with para. 202 of NPPF, it has not been sufficiently demonstrated that the harm to the heritage assets will be outweighed by the public benefit of the scheme.
- 12.104. With regard to Policy NH3 'Areas of High Archaeological Potential' information has been submitted to appraise archaeological potential. The South West Heritage Trust is content that archaeology on the site is limited to locally significant features and any remaining possibilities to the west of the site could be dealt with via condition.

Development Viability/Planning Obligations

- 12.105. To mitigate the impacts of development relevant consultees have assessed the draw on local amenities from a development of up to 136 dwellings.
- 12.106. In total £1,642,791 has been required, broken down as follows:
- Education – £1,278,649
 - Health – £78,684
 - Community Infrastructure – £177,458
 - Steam Coast Trail (Cycle Link) – £39,000
 - Public Right of Way (PROW) – £30,000
 - Heritage Interpretation – £39,000
- 12.107. In terms of Education, Somerset County Council calculates a development of 136 dwellings in this location would generate the following number of pupils for each education type locally.
- 13 Early years
 - 32 First school pupils
 - 21 Middle school pupils and
 - 12 Upper school pupils
- This would require the following education contributions to ensure that sufficient capacity can be built as extensions to the local schools.
- £221,962.00 for early years development at the local nursery/pre-school
 - £546,368.00 for 1st school development at Knights Templar 1st school
 - £440,318.00 for middle school development at Danesfield Middle school
 - The upper school has sufficient capacity at present therefore will not require expansion.
- Contributions can only be sought for built structures and not staff or revenue costs.
- 12.108. In terms of health the current patient lists for the Watchet and Williton Surgeries is assessed in light of this and other committed development. This development would take the capacity of the surgeries over that which they can currently deal with and a financial contribution to extend the Williton facility has been requested. It is important to note that planning contributions can only be sought for built infrastructure such as extensions and cannot fund revenue costs such as staffing.
- 12.109. In terms of Community Infrastructure an ask of circa £178k has been requested, comprising two onsite LEAPs, a contribution towards improving facilities at Watchet Bowls Club and a contribution towards land for allotments. This is in addition to the use of the Daws Castle buffer as informal open space. A view may be taken to consolidate two LEAPs into one NEAP or one super LEAP and use remaining funds to improve the informal open space with a trim trial, nature-based play or similar.
- 12.110. In terms of the Steam Coast Trail this has been proposed by the applicant as it was on the previous application. These monies would go towards the delivery of the trails in and around Watchet.

- 12.111. The PROW sum is that connected to the upgrade of WL 30/1 between the site and West Street as discussed at Paragraph 12.16 onwards.
- 12.112. The Heritage Interpretation sum is envisaged as funding the interpretation/management of Dawes Castle (Scheduled Monument) currently in the ownership of English Heritage. The original ask was £68,000, comprising the following:
- | | |
|---------|---|
| £15,000 | Replacement of fencing and kissing gate at west end, |
| £10,000 | Water supply to site for grazing improvement, |
| £2,000 | Scrub clearance at west end and path improvement |
| £2,000 | Audio guide |
| £6,000 | Improved interpretation on site or in town and directional signage from Watchet to the site |
| £3,000 | Establish links with the history society and form a friends group |
| £10,000 | Training opportunity for people to learn how to do hedge laying |
| £20,000 | Community archaeological project including geophysics |
- Through the viability discussions as part of the previous application and this, the £68,000 figure has been reduced to £39,000 which will be given to cater as much of the above as possible.
- 12.113. Policy LT1 specifically requires this site to fund excavations to encourage visitors to the monument. During the course of the application discussions with English Heritage highlighted the fact that there is an urgent need to excavate, record and interpret the area in and around Daws Castle which itself is seriously threatened by coastal erosion. It was explained the more recent excavation project at Tintagel Castle which sampled an area of 28m x 10m, costing £250k provides an indication of the funding required for an excavation at Daws Castle. A larger area is threatened at Daws. There was the possibility of a research excavation taking this cost to circa £100k and although required by policy it should be questioned whether the site paying for the any excavation especially at that value meets the relevant planning obligation tests. It was considered £100k was too great an amount on top of the above request from Historic England, given the provision of 0% affordable housing, and that some monies from the £39,000 would allow English Heritage to sample the site and further evaluate its significance.
- 12.114. It should be noted that there is no final agreed viability picture. This was due to the applicant trying to offset costs associated with the realigned B3191. The applicant declined to update the District Valuers report instead confirming this application was to be determined on the basis of providing no affordable housing and the financial contributions stated at Paragraph 12.106. As such the failure to demonstrate that planning obligations can be met would result in an unsustainable development and this should form a further reason for refusal.

Flood Risk, Surface Water Drainage and Foul Drainage

- 12.115. The site falls within Flood Zone 1 (the zone of lowest risk). The LLFA has commented on the proposed drainage arrangements and conclude a condition can cover the requirements at Reserved Matters stage.

- 12.116. The applicant has however submitted further details in response to Wessex Water concerns regarding surface water drainage. They propose two catchment areas – the easternmost one (or south) would direct water to a underground tank, which is shown under retained scrub for ecological reasons on the Illustrative Masterplan. It would drain at a controlled rate to the Washford River via Whitehall and would need a surface water sewer to be requisitioned on land owned by a third party. Wessex Water state, *“There is no evidence to show that a gravity connection from site can be achieved to the Washford River through the existing built up area. A connection can be requisitioned from Wessex Water to enable the crossing of third party land but this does not mean that a suitable route to outfall can be found. Furthermore approval will still be required from the riparian owner at the point of discharge to the Washford River. We note the comment in the letter regarding discharging from the fabric of the bridge in Mill Street. It is up to the applicant to prove the feasibility of this option with a proposed gravity route from site showing engineering arrangements at the bridge and approval in principle from the appropriate authority”*.
- 12.117. The second catchment area is to the east also referred to as north) and surface water form here is also proposed to be drained towards an underground attenuation tank (in the 50m no build zone declared by Stantec). A new sewer is planned to be constructed within the newly aligned B3191 and discharge from the attenuation feature is proposed to drain into a newly constructed sewer within Cleeve Hill. Somerset County Council as Highway Authority have confirmed that there is currently a highway sewer within Cleeve Hill/ West Street and therefore it is proposed that the new sewer proposed to be adopted by Wessex Water connects into this existing network. The applicant states Wessex Water will be required to adopt the existing highway drain under a S102 agreement but it is anticipated that this will not cause an issue. To the contrary Wessex Water state there is no requirement under the Water Industry Act for Wessex Water to adopt a highway drain. They continue to say this option has not been examined in enough detail to be certain that it is achievable. The applicant was given ample time to respond to the comments of Wessex Water and exceeded their own deadline to reply.
- 12.118. It appears therefore that there is still no clear scheme to demonstrate how the site will be drained and what implications this may have. Until such details are known it would appear to add more confusion to an already uncoordinated application and is considered to be contrary to Policy CC6 – Water Management - Development that would have an adverse impact on areas at risk of flooding by surface water run-off and Paragraph 169 of the NPPF, incorporation of sustainable drainage systems.
- 12.119. On foul drainage the applicant states foul water produced by the development is proposed to discharge into the WW foul sewer within Whitehall and the Lorna Doone development. Due to site levels and existing topography it is anticipated that a foul pumping station will not be required,

although this statement is taken with caution given the general context of this application don't being rich in detail to make such assumptions.

Sustainability and Climate Change

- 12.120. The Council has declared a Climate Emergency and committed to working towards carbon neutrality by 2030. The Somerset Climate Emergency Strategy and the SWT Carbon Neutrality and Climate Resilience (CNCR) Action Plan both clearly identify the roles that the planning system can play in tackling the climate emergency in relation to both mitigation of and adaptation to the climate change that is projected to occur.
- 12.121. The application fails to address this matter and does not refer to the Council's Interim Guidance Statement on Planning for the Climate and Ecological Emergency 'Climate Positive Planning' (March 2022) or the sustainability emphasis with the Council's Districtwide Design Guide SPD (2021). The national context is set out in the NPPF - Paragraph 7 identifies that contributing to the achievement of sustainable development is the core purpose of the planning system. This paragraph now references the UN's Sustainable Development Goals as well as defining sustainable development as *"meeting the needs of the present without compromising the ability of future generations to meet their own needs"*, Paragraph 16 states plans should *"be prepared with the objective of contributing to the achievement of sustainable development"* and Paragraph 152 states that *"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"*.
- 12.122. The development is contrary to Policy NH13 which expects new development to demonstrate the development promotes measures to minimise carbon emissions and promote renewable energy and reduce impact on climate change from an integral part of the design solutions. The applicant has failed to engage with the Climate Emergency Checklist contained with the Interim Guidance Statement which could have influenced the Illustrative Masterplan.
- 12.123. Some detailed matters could be addressed at Reserved Matters stage but the implications of not addressing the fundamentals in terms of this developments response to the Climate Emergency may impact on its ability to respond and/or development costs later down the line and this hasn't been factored into the fragile viability picture.

Ecology

- 12.124. The Council has declared an Ecological Emergency and is bound by the Natural Environment and Rural Communities Act 2006 duty to conserve (and

soon to be, enhance) biodiversity, alongside wider duties and requirements set out in the Environment Act 2021 including provisions relating to the issue of Biodiversity Net Gain.

- 12.125. The application is supported by an Ecological Survey Report. The site is not within a statutory site designated for nature conservation interest. There are two statutory designated sites within 2km of ST 065 432 (Cleeve Hill SSSI located approximately 500m southwest of the site and Blue Anchor and Lilstock Coast SSSI located to the north of the B3191). There are thirteen non-statutory designated sites within 2km of ST 065 432, all Local Wildlife Sites (LWSs). The closest sites include Minster Field Road Verge LWS located immediately to the west of the survey site, Tuck's Brake LWS located immediately south of the site and Daws Castle LWS located approximately 40m west of the site on the opposite side of the B3191.
- 12.126. Surveys have identified at least seven bat species commuting/foraging across the site and some historic badger activity. Surveys have also identified dormice as present within sections of dense scrub along the southern site boundary and a population of slow worms at the south-eastern end of the site. Areas of species-rich grassland have been identified at the northern and north-eastern ends of the site. The northern area is unfortunately the location of the access off Cleeve Hill for the proposed realigned B3191 and the north-eastern area is not proposed to be retained as open space. The dividing central hedgerow is assessed as species rich but part of a defunct hedgerow that could be retained and enhanced but is shown as removed on the Illustrative Masterplan. An area of dense scrub shown as providing habitat for mice including a dormouse, and a bat foraging corridor is also shown as being removed on the Illustrative Masterplan for back gardens. There will be Natural England licensing requirements for Dormice mitigation which impacts the road access in south west corner.
- 12.127. The previous application A Conservation Action Statement (CAS) includes provisional recommendations for the retention and compensation of hedgerow and grassland habitats and also details measures to enhance the site for biodiversity. Enhancement measures include provision wildlife boxes, creation of species-rich grassland areas and retention and enhancement of wildlife corridors across the site.
- 12.128. Half of the southern boundary adjoins a designated Local Wildlife site, Tucks Brake which contains ancient broadleaved woodland and species-rich unimproved calcareous grassland. The CAS sets out that a non-developed buffer along the southern boundary should be incorporated into plans. It is questioned whether this has actually been incorporated as the Illustrative Masterplan shows the realigned road and small back gardens immediately adjoining this boundary. The buffer zone has been subsequently shown as retained scrub and the existing hedge augmented and deepened. The concern being that a wider retained or planted buffer zone as required by the CAS would reduce the developable area and therefore this could likely

reduce the number of units deliverable which further prejudices the delicate viability of the overall scheme an issue discussed throughout this report.

- 12.129. On the edge of the site adjoining the B3191 is the Minster Field Road Verge LWS. The CAS sets out a requirement to avoid this road verge when creating site access which should be achievable and to set out protection measures in a Construction Environmental Management Plan (CEMP).
- 12.130. The Council's ecologist has assessed the submitted material with respect to impact on badgers, dormice and reptiles and has raised no objection subject to the inclusion of specified conditions and informative notes. He states details of a sensitive lighting scheme, a Landscape and Ecological Management Plan (LEMP) and a Biodiversity Enhancement Plan can be secured at the reserved matters application.
- 12.131. Due to the age of survey material it is likely a new set of surveys would be required to inform any reserved matters submission.

Pollution

- 12.132. There are no known pollution issues with developing this site. Wessex Water did initially object based on the potential for an odour nuisance from the Sewage Treatment Works located due west adjacent to the Former Paper Mill site, but this was later withdrawn.
- 12.133. A specific consultation was also sent to Environmental Health with regard to local concerns expressed about potential worsening air quality from increased traffic in West Street and the town centre. EH colleagues were not aware of any air quality issues for Watchet or any monitoring being undertaken and there is therefore no data to support any objection. By contrast there is monitoring of air quality in Minehead and Williton on major traffic routes and no Air Quality Management Areas have been declared for the district. Furthermore, it is advised "*there will always be fluctuating levels of air quality and we would advise seeking the views of the highway authority to ensure traffic pinch points are resolved rather than rely on air quality data*".

13. Planning Balance and Conclusion

- 13.1. The primary matter of concern has been the apparent overreliance by the applicant and Highway Authority on the fact this is an allocated site and therefore an assumption that most matters have been considered at the Local Plan stage or can just be considered at the Reserved Matters stage. There is no evidence that the range of matters at issue for the local community were considered robustly at the Local Plan stage, with the primary reason for allocation being the opportunity to realign the B3191, which even its feasibility was not assessed to any great extent. This report has sought to consider those issues more robustly based on a greater level of investigation, liaison with consultees and dialogue with the Town Council. After this greater level of scrutiny it is evident there are multiple existing and additional issues with the

application and those concerns need to be balanced against the benefits, in this case primarily the realignment of the road and the economic benefits of the construction project as a whole.

- 13.2. Against the backdrop of the previous decision by the Council, which is a material consideration to which the decision maker can attribute weight, it has been found that those issues have not all been sufficiently overcome. Following consideration of other matters, it has been found there are other areas of concerns Councillors should be aware of. It is the consideration of these issues which has delayed the progression of this application which it is appreciated has caused concern for the local community and applicant, however from the LPAs point of view all research and investigation ensures the eventual recommendation and decision are robust in the face of any future legal challenge or appeal scenario.
- 13.3. It is considered that the development fails to comply with the Development Plan when taken as a whole. The proposal is undermined by a really poor Illustrative Masterplan and a poor grasp of the key issues and their spatial requirements, in this regard it is evident heritage, landscape, ecology, drainage and topography have not been properly considered and the site is constrained by access and it is best therefore to make a clean decision based on the application as it stands.
- 13.4. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused as set out in full in Section 1. There are more reasons for refusal than previously, in part because the issues straddle more policy than was stated previously.
- 13.5. The local community is reminded that this is an allocated site and as such there is still the prospect of a policy compliant development scheme coming forward in the future. This could involve a detailed design, third party funding for the road and cliff stabilisation works, fewer dwellings and engineering solutions to some technical issues. However, this particular application, in outline, is not of sufficient quality to meet policy aspirations and there is no prospect of doing so during the application process and so the conclusion must be to refuse. The casualty of the application is the road delivery (and the benefits this would have brought), however it has been concluded that this may not have been possible through this application in any case.
- 13.6. In preparing this report the Case Officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

APPENDICIES -

- 1) Watchet TC consultation responses, including Entran report
27 April 2021
25 May 2021
23 September 2021
03 November 2021
29 March 2022

- 16 December 2022
- 2) Highways consultation responses:
 - 09 July 2022
 - 13 July 2022
 - 25 August 2021
 - 21 October 2021
 - 08 August 2022
- 3) Previous application Committee Report and Minutes – 16 July 2020
- 4) Letter from Fairhurst dated 01 December 2022

APPENDIX -

- 1) **Watchet TC consultation responses, including Entran report**
 - 27 April 2021**
 - 25 May 2021**
 - 23 September 2021**
 - 03 November 2021**
 - 29 March 2022**
 - 16 December 2022**

APPENDIX -

2) Highways consultation responses:

09 July 2022

13 July 2022

25 August 2021

21 October 2021

08 August 2022

APPENDIX -

3) Previous application Committee Report and Minutes – 16 July 2020

APPENDIX -

4) Letter from Fairhurst dated 01 December 2022

Rebecca Miller
Planning Officer – Planning Department

E-mail: R.Miller@somersetwestandtaunton.gov.uk
Copied to: planning@somersetwestandtaunton.gov.uk

27 April 2021

Dear Rebecca

At the meeting of Watchet Town Council's Environment & Planning Committee held on Thursday 22 April 2021, the following comments were recorded on plans received for comment:

- 3/37/21/008 High Bank House, High Bank, Goviers Lane, Watchet, TA23 0DG**
Erection of 1 No. bungalow with associated works in the garden to the front
Committee recommends refusal due to overdevelopment of the site and the plot size is inadequate in relation to the main house.
- 3/37/21/009 Neyburr, 25A Whitehall, Watchet, TA23 0BE**
Erection of a shed attached to the side of dwelling
Committee recommends approval.
- 3/37/21/010 Land to the west of 22B Lorna Doone, Watchet, TA23 0FD**
Change of use of amenity land to residential garden
Committee recommends approval on the condition that any landscaping work needs to demonstrate that it does not undermine the stability of the land in relation to the Watchet fault.
- 3/37/21/011 43 Risdon Road, Watchet, TA23 0HL**
Erection of single storey extension to replace existing garage
Committee recommends approval.
- 3/37/21/012 Land at, Cleeve Hill, Watchet, TA23 0BN**
Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural land for 136 dwellings with the creation of vehicular access (closing of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial re-alignment of public highway (Cleeve Hill) (resubmission of 3/37/18/015)
Whilst the Committee acknowledge that several of the previous concerns that led to the refusal of this application have been addressed by the applicant, members would like to challenge the traffic analysis report, as they believe it was undertaken at the wrong time of the year and is not a true reflection of traffic numbers, and as a result is flawed. The Committee consider that an independent expert should be commissioned to undertake a traffic analysis of this area. The Committee request that SW&T Council commission such an expert examination. The Committee expect a response from SCC Highways in due course but consider that an expert demonstrably independent from the benefits of the application should be commissioned. If Somerset West and Taunton Council decline this request, the Committee consider that alternative approach to securing this examination must be sought and therefore request an extension to the consultation timetable, recognising that this action cannot be commissioned within the current timeframe given.
The Committee consider that this application has aroused extraordinary concern in the community and wish to be reassured that the SW&T will not seek to rush the application to the Planning Committee before residents have had sufficient time to put in their comments. Concern was expressed about the

pedestrian access to the site and do not consider it is adequate to withhold details of suggested improvements to public footpaths until the reserved matters stage. It would be preferable to see them at the outline stage so that they can be fairly appraised.

The Committee cannot comment on approval or refusal definitively until these matters have been addressed fully and therefore reserve the right to make further comments as appropriate.

Yours sincerely



Sarah Reed
Town Clerk

Rebecca Miller
Planning Officer – Planning Department

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Copied to: planning@somersetwestandtaunton.gov.uk

25 May 2021

Dear Rebecca

At the meeting of Watchet Town Council's Environment & Planning Committee held on Thursday 20 May 2021, the following resolution was made:

3/37/21/012 Land at, Cleeve Hill, Watchet, TA23 0BN

Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural land for 136 dwellings with the creation of vehicular access (closing of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial re-alignment of public highway (Cleeve Hill) (resubmission of 3/37/18/015)

“The E&P Committee are to recommend to Full Council that Watchet Town Council commission an independent road and traffic survey, as the residents of Watchet as a whole, would consider the use of taxpayers money spent on this acceptable. Research to begin with immediate effect by the Clerk/clerical officer to obtain reputable company quotations and timescales to carry out the surveys, and SW&T are informed in writing of the resolution taken by this committee”.

Yours sincerely



Sarah Reed
Town Clerk

Jeremy Guise

Planning Department

J.Guise@somersetwestandtaunton.gov.uk

23 September 2021

Dear Mr Guise

At the meeting of Watchet Town Council's Environment & Planning Committee held on 23 September 2021, the application below was discussed:

3/37/21/012 Land at Cleeve Hill, Watchet, TA23 0BN

Outline planning application with all matters reserved, except for access, for the residential redevelopment of agricultural land for up to 136 dwellings with the creation of a vehicular access (closure of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial realignment of public highway (Cleeve Hill) (resubmission of 3/37/18/015).

The Committee endorsed the decision to submit an **objection** to the planning application based on the following four reasons for refusal:

1. The applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be mitigated to an acceptable degree. (NPPF)
2. The applicant has failed to demonstrate that any impacts from the development in terms of highway capacity and congestion will not have an adverse effect on the attractiveness of Watchet as a tourist destination. (Policy WA1)
3. The applicant has failed to demonstrate that safe and suitable access can be provided to and from the site for all users including pedestrians, cyclists, and people with disabilities and reduced mobility. (TR1 and NPPF)
4. The proposed development does not give priority first to pedestrian and cycle movement and then to public transport passengers in order to maximise the attractiveness of modes of transport other than the private car. (TR2 and NPPF)

Watchet Town Council commissioned an independent assessment of the transport effects of this proposed development. Please find attached to this letter a report prepared by Entran Ltd, an independent firm of Environmental and Transport consultants. The report was considered by the Committee who agreed to endorse its findings and their use in informing the reasons for refusal.

For ease of reference, the list of identified deficiencies and recommended actions, as set out in the report, are listed below.

- Any assessment of traffic impact must consider the highest combined peaks of background plus development traffic.

- Given the previous reason for refusal, considerable additional work is required to identify pedestrian and cycle desire lines and benchmark the distances against appropriate guidance.
- Multi-modal trip rates from the revised TRICS assessment should be submitted for consideration. Any assessment of NMU routes needs to include a review of the increase in usage along each route as a result of the proposed development.
- A full assessment of up-to-date PIA data is required to inform the access strategy and effects of development.
- The vehicle trip distribution should be re-assessed to take account of all modes and all trip types, not just employment traffic.
- The TA should be amended to include a quantified, objective assessment of the effects of additional traffic on highway capacity and safety.
- The TA should include a quantified, objective assessment of the cumulative effects of committed development, including walking, cycling, public transport, highway capacity and highway safety. It should include recommended mitigation for those combined effects and justify the level of mitigation that should be delivered by this proposed development.
- Pedestrian routes to all local facilities and transport interchanges must be given due consideration, not just one route to one school.
- The proposed footpath link should be included within the red line and notice served on that landowner.
- Walking route width, gradient, surface material, lighting and general condition must be assessed and recorded on any walking route plan.
- A proper assessment of walking routes must identify where any path falls below the widths prescribed in SCC and national guidance.
- A proper assessment of walking routes must identify where any path exceeds the gradients set out in SCC and national guidance.
- New surveys should be undertaken by the developer which record traffic volumes on all sensitive parts of the network, pedestrian volumes on the proposed walking routes and current congestion caused by the variable carriageway widths of the historic highway network in Watchet.
- Any new assessment of operational capacity, cumulative impact and highway safety should be based on up to date and reliable baseline survey data.
- The required stopping sight distance for the road realignment could range from 70m to 90m. This should be indicated on the submission drawings.
- Visibility splays should be shown on the plans for vehicles emerging onto the realigned B3191.
- The revised Transport Assessment should include an assessment of the operational capacity of the site access(es) in order to determine the appropriate junction form.
- The alignment and width of any new route must take account of existing restricted carriageway widths and seek to ameliorate it through appropriate highway design.
- It is inappropriate to encourage pedestrian movements from the new section of road onto the locations where it joins the B3191 unless appropriate provision is to be made for pedestrians beyond the length of realigned.

The application as submitted is deficient in many respects and fails to comply with local policies TR1, TR2 and WA1, as well as national policy as set out in the NPPF. The Committee expressed concern that given the narrow widths of the local roads and footways, and the steep gradients of the public footpaths, it seems unlikely that the applicant will be able to address these objections.

Yours sincerely



Sarah Reed
Clerk to the Council

Land at Cleeve Hill, Watchet, TA23 0BN (3/37/21/012)

TECHNICAL NOTE 1

Technical appraisal of transport effects of development

1. Introduction

- 1.1. Entran has been commissioned by Watchet Town Council to review an Outline planning application for residential development at Cleeve Hill, Watchet (3/37/21/012) with regards to its effects on highways and transportation in the local area. Although the application is Outline, the means of access (including off-site impact) is to be determined. The description of development states that the application is a resubmission of 3/37/18/015 which was refused for three reasons in August 2020.
- 1.2. For ease of reference, any recommended actions are highlighted **bold** and listed in the summary at the end of this report.
- 1.3. This report has been prepared by Richard Fitter. I am Incorporated Engineer, registered with the Engineering Council. I am a Chartered Fellow of the Institution of Logistics and Transportation, a Fellow of the Institution of Civil Engineers and a Fellow of the Institute of Highway Engineers. I am also a Member of the Council of the Institute of Highway Engineers and sit on their Carbon Steering Group.
- 1.4. I am a Director of Entran Ltd and have more than 30 years' experience in traffic engineering and transport planning in both the public and private sectors. I have extensive experience of assessing the transport implications of a range of developments including mixed-use and residential developments throughout the UK.
- 1.5. I have visited the site on a number of occasions and am familiar with its layout as well as the surrounding transport network.
- 1.6. I have prepared this Technical Note in accordance with the guidance of my professional institutions, and I confirm that the opinions expressed are my true and professional opinions.

2. Recent planning history

- 2.1. The previous planning application on this site was refused planning permission for three reasons, namely:
 - Lack of affordable housing (policy target not being met);
 - Lack of Land Stability Report; and
 - Failure to provide adequate pedestrian access to and from the site.
- 2.2. Following the decision to refuse planning permission, Somerset West and Taunton Council (SWTC) wrote to the applicant on 4th August 2020 setting out a list of matters that would need to be addressed in any new application. That letter is included here as Appendix A.
- 2.3. With regards to highways and transportation, SWTC's letter stated that the description should be amended to refer to 'up to' 136 dwellings; a new Masterplan should be produced; the route known as option 1D should be used for 80%-90% of the access road but joining up to the B3191 at either end (with additional land safeguarded); and, the applicants must demonstrate that there will be adequate pedestrian access to and from the site in full compliance with WSC Local Plan to 2023 policy TR1. The letter specifically states that part of any new DAS or Transport Assessment should directly address pedestrian access and that gradients should be detailed.



3. Local and national policy

- 3.1. The WSC Local Plan to 2032 was adopted in November 2016 and includes a section entitled Transport, Community and Health. Policy TR1: 'Access to and from West Somerset' states that:

"Proposals for new development must encourage the use of sustainable modes of transport within and between West Somerset's Communities and travel to and from communities outside the local plan area through the provision of travel plans, travel plan statements or measures-only travel statements in accordance with the thresholds adopted by Somerset County Council."

- 3.2. It is therefore incumbent on any new development to incorporate the infrastructure, information and incentives to promote and encourage the use of sustainable modes of travel. For clarity, SCC's guidance states that a full Travel Plan is required to support any development over 50 dwellings. The proposed development must therefore be supported by a full Travel Plan that complies with SCC's guidance.

- 3.3. Policy TR2 : 'Reducing reliance on the private car', is clearly closely linked to the objectives of TR1 and states that:

"Development should be located and designed to maximise the attractiveness of modes of transport other than the private car where appropriate".

- 3.4. This is an important policy as it relates to the Government objective of reducing the need to travel, especially by private car. The first part of this is to reduce the need to travel through careful land allocation policies, ensuring that new homes are located close to employment, education, retail and leisure facilities in order that walking and cycling are available as primary modes of travel, followed by public transport and then car.

- 3.5. Policy WA1: 'Watchet development', says that development proposals at Watchet must support and strengthen the settlement's role as a local service and employment centre and enhance the attractiveness of the historic centre as a tourist destination, including the operation of the marina. It should be noted that since the policy was written, Watchet now has a limited function as a local centre for employment and services and is heavily reliant on tourism to support the local economy, Any development which has an adverse effect on the attractiveness of Watchet as a tourist destination would fail to comply with Policy WA1.

- 3.6. Within the Local Plan, two areas are identified for longer term (post 2026) strategic development under policy LT1. These are at Periton Road, Minehead and at Cleeve Hill, Watchet (the application site). The policy says that the Cleeve Hill site must include a new alignment for the B3191 to address the impact of coastal erosion. Importantly, LT1 states that these two sites are reserved to ensure suitable strategic land remains available in the latter part of the plan period, if required. It says specifically that the two sites are '*held in reserve as a contingency*' and would only be released early if there is a '*significant, ongoing shortfall*' in the rate of strategic development sites for Minehead and Watchet, or if the need to realign the B3191 becomes imperative due to coastal erosion.

- 3.7. The National Planning Policy Framework 2021 (NPPF) includes Chapter 9, 'Promoting sustainable transport'. This provides the planning framework for ensuring the transport effects are given proper consideration in allocating land for development and that Local Plan policies actively promote sustainable travel choices.

- 3.8. When considering development proposals, NPPF para. 110 states:

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been- taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;"



3.9. It also states that:

d) any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be cost effectively mitigated to an acceptable degree.

3.10. Paragraph 112 then goes on to say that applications for development should:

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;”

3.11. The NPPF 2021 clearly goes further than Local Plan TR1 and TR2 in that it requires new developments not only to promote walking and cycling, but to give *priority* to pedestrians and cyclists. Any development that fails to do so would be in conflict with national planning policy.

4. Proposed development

4.1. The description of development is:

“Outline planning application with all matters reserved, except for access, for the residential redevelopment of agricultural land for up to 136 dwellings with the creation of a vehicular access (closure of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial realignment of public highway (Cleeve Hill) (resubmission of 3/37/18/015).”

4.2. The planning application was not supported by a new Transport Assessment (TA) or Travel Plan (TP), instead a Technical Note from 2019 has been submitted (Hydrock document 06288-PO2) providing a revised assessment of vehicle trips. The earlier 2017 Travel Plan is also available on the planning portal, but not the earlier Transport Assessment. However, for the purpose of this report it is assumed that the 2017 Transport Assessment and Travel Plan submitted with the previous planning application are a material consideration in this current application, to be read in conjunction with the new (2019) Technical Note and any further transport information formally submitted in support of the current application.

5. Transport Assessment 2017

5.1. The baseline traffic conditions in the TA relate to a single classified automatic traffic count on Cleeve Hill in July 2017. The TA states that the survey identified the periods of 1000-1100 and 1700-1800 to be the highway peaks. That is incorrect; that survey showed the weekday average between 1200-1300 and also between 1300-1400 to be higher than the 1000-1100 period and also higher than the conventional AM peak period 0800-0900. The survey showed that the lunchtime peak in this location was more significant than the conventional AM peak or the (incorrectly) stated 1000-1100 peak. It is noted that the PM peak (1800-1900) represented the highest peak period.

5.2. Any assessment of traffic impact must consider the highest combined peaks of background plus development traffic.

- 5.3. DfT publication CD 123 provides advice on the geometric design of junctions as well as the assessment of those junctions. It states that “*where there are high seasonal variations, or short intense peaks in the traffic flows then the appropriate seasonal or peak flows should be used*”. In a tourist destination such as Watchet, full consideration must be given to the specific nature of seasonal peak traffic rather than assuming traffic impact is restricted to travel to work in the morning and evening during ‘neutral’ months.
- 5.4. The TA does not include any reference to the existing operation of any local roads or junctions. Many roads in Watchet are narrow due to their historic nature, including Cleeve Hill/West Street/Market Street which is the primary access to and from the site. This route includes a number of significant pinch-points where two vehicles cannot pass. As a result, there is considerable pre-existing congestion on this route caused by reduced link capacity. Any increase in vehicle trips on this route would exacerbate this congestion. The TA is silent on this point. This is addressed further in Section 9 below.

Image 5.1 – Single width carriageway with narrow footways





5.5. Table 4.1 in the TA (replicated in the Travel Plan) sets out walking distances to facilities. The TA does not state the routes along which these distances have been measured. We have been unable to replicate the stated distances by measuring from the centre of the site along currently available routes. Furthermore, the distances themselves have little value in considering the accessibility of the site unless they are benchmarked against desirable walking distances. TA refers to the IHT guidance document '*Designing for Journeys on Foot*'; that document includes the following table:

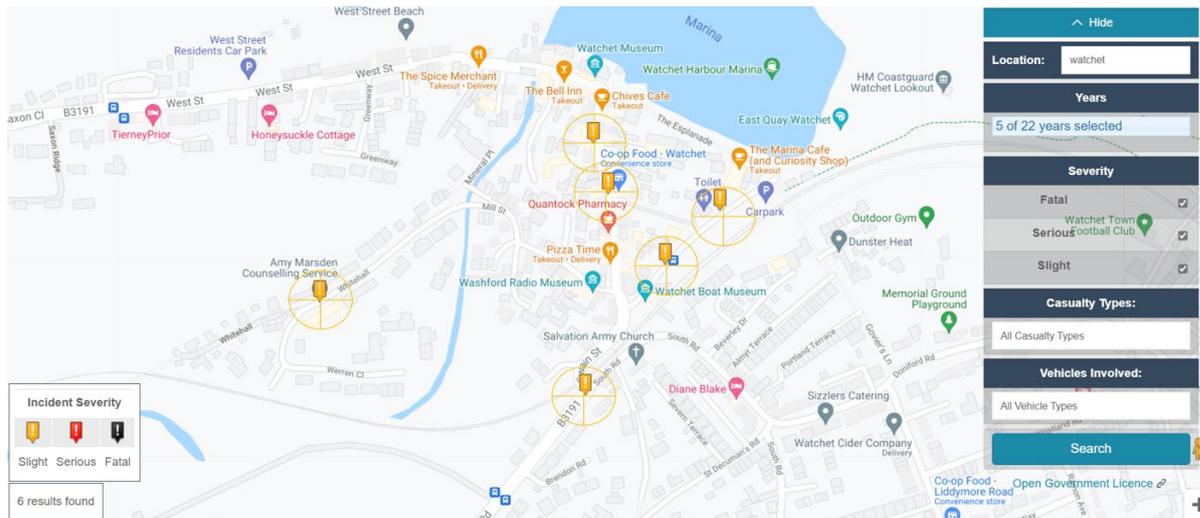
Table 5.1 – Suggested Acceptable Walking Distance (IHT, PJF Table 3.2)

	Town centres (m)	Commuting/school/sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	500
Preferred maximum	800	2000	1200

- 5.6. When judged against these distances, the facilities cited in Table 4.1 of the TA universally exceed the desirable walking distance, generally exceed the acceptable distance and in some instances even exceed the preferred maximum distance. **Given the previous reason for refusal, considerable additional work is required to identify pedestrian and cycle desire lines and benchmark the distances against appropriate guidance.**
- 5.7. Following receipt of comments from the highway authority, the applicant has provided a '*Routes to school NMU plan*' dated July 2021. For clarity, NMU stands for non-motorised users and includes pedestrians, cyclists and equestrians. The routes to school plan suggests minor infrastructure improvements such as tactile paving in locations where the footway widths are already reasonable but makes no attempt to address the significant issues of gradient, lack of footways and condition of public footpaths closer to the site. This is addressed further in Section 8 below. The suggested walking routes, even with the proposed minor works, are not fit for purpose.
- 5.8. The TA and subsequent Tech Note include predicted vehicle trips for the proposed development; however, no attempt has been made to predict the number of pedestrians, cyclists or public transport passengers that would be generated by the scheme. This fails to comply with SCC or national guidance on the assessment of transport effects. The original TA does include trip rates for these modes in the appendices, but they have not been converted into trips within the body of the report. The 2019 Tech Note which revised the vehicle trip rates, was also based on a multi-modal survey but for unknown reasons, only vehicle trip rates were appended to that note.
- 5.9. Based on the TRICS assessment included in the 2017 TA, the development would be expected to generate 271 new pedestrian, cycle and bus passenger trips per day. Of course, every bus passenger would need to walk to and from the bus stop and will therefore represent a pedestrian trip into and out of the site. **The multi-modal rates from the revised TRICS assessment should be submitted for consideration. Clearly, any assessment of NMU routes needs to include a review of the increase in usage along each route as a result of the development.** This has not been done for the proposed development.
- 5.10. The TA includes an assessment of personal injury accidents for the three years prior to the TA being written i.e. 2014-2017. This information is therefore out of date and should be repeated. The assessment should be for a five-year period in accordance with SCC and Government guidance. An initial assessment using the CrashMap website suggests an increase in incidents compared to the 2017 TA as shown below



Figure 5.1 – PIA data 2016 to 2020



- 5.11. The proposed development will generate additional traffic in five of the six incident locations and will result in additional pedestrians and/or cyclists in all six. It should be noted that a Fatal PIA occurred on the B3191 in 2021 to the west of the development site but is not yet listed on the CrashMap website. The proposed development will also increase vehicle traffic in that location.
- 5.12. **A full assessment of up-to-date PIA data is required to inform the access strategy and effects of development.**
- 5.13. In addition to the recorded PIA data, the narrow carriageway and very narrow (or non-existent) footways on Cleeve Hill/West Street/Market Street means that damage to vehicles and adjacent property occurs frequently, the results of which are apparent from a simple site inspection.
- 5.14. Section 7 of the TA is entitled Development Trip Generation and Impact; however, it does not include any assessment of the predicted impact of the development on the highway network.
- 5.15. Having quantified the predicted vehicle trips, the TA includes an assignment of traffic onto the highway network. The assignment process is flawed in that it uses journey-to-work data and applies it to all vehicle trips. Clearly, that does not account for retail, education, social, leisure or other trips, many of which will be more local than the employment trips and so would generate very different distribution patterns. **The trip distribution exercise should be re-assessed to take account of all modes and all trip types, not just employment.**
- 5.16. Importantly, the TA fails to then assess the effects of the additional traffic on link capacity, junction capacity or highway safety; it does not even calculate the proportional increase in vehicle trips on the roads surrounding the site in order to define an appropriate study area. This is a serious omission that should be corrected. **The TA should be amended to include a quantified, objective assessment of the effects of additional traffic on highway capacity and safety.**



6. Technical Note 2019

- 6.1. The 2019 Tech Note includes a revised TRICS assessment which indicates higher vehicle trips than those set out in the 2017 TA. The Tech Note only includes figures for 0800-0900 and 1700-1800. These do not represent the highway peak periods so figures should be provided for the combined background and development peak periods.
- 6.2. The Tech Note Appendix A includes a 2018 letter from SCC together with comments which are presumed to be those of the applicant's transport consultant. There are a number of comments which give cause to question the validity of the report findings:
- a. The use of sites in London and other built-up areas is in line with TRICS guidance.
 - b. TRICS recommends the use of all sites regardless of local population.
 - c. The site plan contains blocks of flats, so they have been included in the assessment .
 - d. The use of journey-to-work data for traffic distribution was deemed a sensible approach.
 - e. As the site is allocated in the Local Plan, any traffic impact generated by the development would already have been considered by SCC.
- 6.3. We would disagree with points a) and b). It is true that TRICS guidance does allow for a blanket assessment approach in order to maximise the data set, but it tempers this advice by advising a more refined selection criteria 'where local conditions dictate'. It is perfectly clear that traffic generation from a new development in Watchet will be very different from one in London (or any major town or city). A multi-modal TRICS assessment should reflect the accessibility of the site and access to public transport in order that the mode share accurately reflects the subject site.
- 6.4. We also disagree with point c) as the application is Outline with layout and design as reserved matters. The masterplan may well include flats for illustrative purposes, but the description of development is 'up to 136 dwellings'. Any assessment of transport effects must therefore assume all houses unless the unit mix is to be controlled by restrictive planning condition.
- 6.5. The traffic distribution method is flawed, as described above.
- 6.6. The most concerning comment is e) which shows a fundamental misunderstanding of the requirements of the Transport Assessment process for allocated sites. SCC were consulted on the Local Plan and land allocations and will have taken those allocations into account in their LTP; however, that does not remove the developer's obligation to assess the effects of their development as part of their planning application. This may explain why neither the TA nor the Tech Note assess the effects of the additional traffic on the surrounding network; however, the result is that the TA fails to provide sufficient information to properly assess the effects of the development.



7. Cumulative impact

- 7.1. As stated above, the TA (and Tech Note) quantifies the additional traffic on the local highway network but does not assess the effects of that additional traffic. However, DfT guidance on 'Travel Plans, Transport Assessments and Statements' also requires the cumulative impact of committed development to be considered as part of the Transport Assessment. The TA makes no reference to other allocated sites, planning consents or committed development.
- 7.2. Of the 2900 proposed dwelling allocations in the West Somerset Plan, 696 are located in Watchet and Williton, comprising:
- Parsonage Farm: 290 dwellings with 3 hectares of non resi uses at the farm building complex.
 - Williton development (3km from Watchet). : approx. 406 dwellings with 3 hectares of non-resi use, subject to an indicative masterplan.
 - Post 2026, Cleeve Hill (the site).
- 7.3. A list of nine planning applications for developments of more than two dwellings since 2019 is included as Appendix B. Those with planning permission (and potentially those awaiting a decision) represent additional committed development for the purposes of assessing the cumulative impact.
- 7.4. It is not acceptable for each development to be considered in isolation. The effects of an individual development may be considered minor adverse; however, the cumulative effects may be moderate or even severe. This is highly relevant to Watchet where the combined effects of recent and future developments are of great concern to local residents.
- 7.5. The TA should include a quantified, objective assessment of the cumulative effects of committed development, including walking, cycling, public transport, highway capacity and highway safety. It should include recommended mitigation for those combined effects and justify the level of mitigation that should be delivered by this proposed development.**
- 7.6. It should be noted that there are very few, if any opportunities to widen Cleeve Hill/West Street or to reduce two-way traffic through the town centre. Similarly, it does not appear possible to provide suitable pedestrian infrastructure along this length of road; however, the planning submission fails to demonstrate how this development, and the cumulative impact of all committed development would affect this route and the town centre generally.

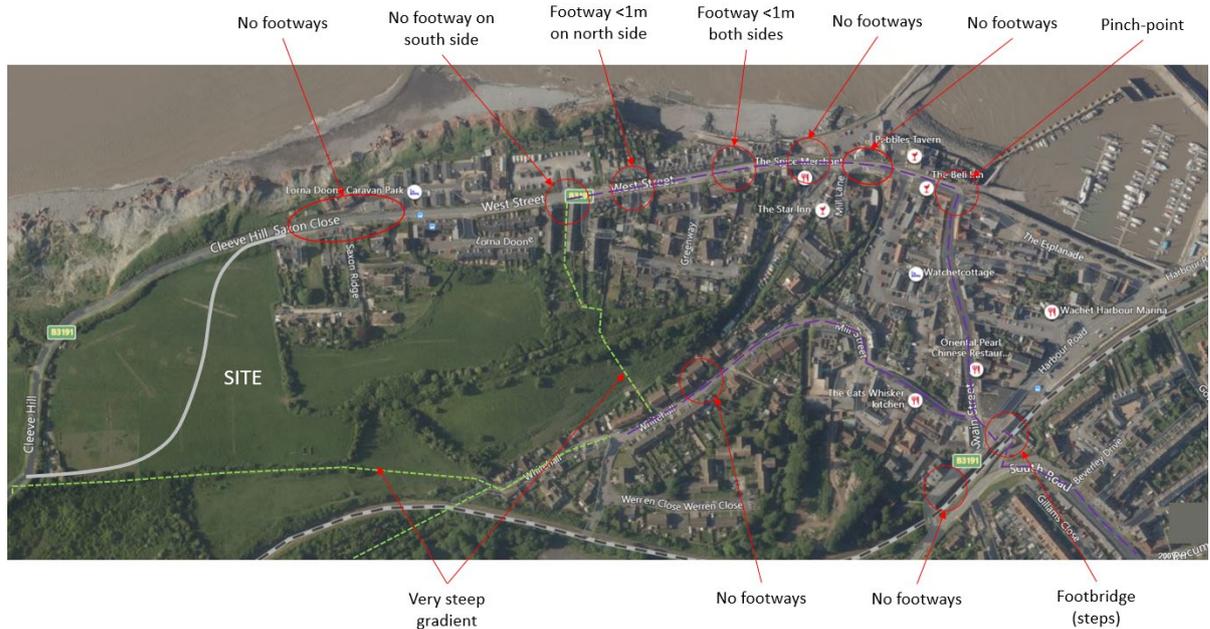


8. Pedestrian routes

- 8.1. The previous application was refused planning permission due to a failure to demonstrate adequate pedestrian access to and from the site. The applicant has submitted a plan entitled 'Route to school NMU plan'. **It is important that pedestrian routes to all local facilities and transport interchanges are given due consideration, not just one route to one school.**
- 8.2. Notwithstanding the above, the submitted plan includes a photographic record of four locations where minor improvements are being proposed (dropped kerbs and tactile paving) but does not record the significant deficiencies in the pedestrian infrastructure close to the site or along the remainder of the route.
- 8.3. The proposed development relies on two existing right of way footpaths to gain access to the highway network. The two footpaths are WL 30/02 which runs east/west along the southern boundary of the site, and WL 30/01 which runs north to south, through the eastern end of the site. Both footpaths provide a link from Whitehall to different points on Cleeve Hill.
- 8.4. We note that the SCC Rights of Way Officer is concerned that the proposed link to WL 30/02 includes land outside the application boundary and may require the permission of a third-party land owner. If that is the case then the link may not be deliverable as part of this development. At the very least, **the footpath link should be included within the red line and notice served on that landowner.**
- 8.5. If these routes are to be relied on as the only walking routes into Watchet (as suggested by the submitted plan), their **width, gradient, surface material, lighting and general condition must be assessed and recorded on any walking route plan.** If mitigation is required, then that should be submitted as part of the planning application so that it can form part of the decision-making process. Needless to say, it may be possible to improve surfacing and lighting, but it does not appear possible to improve the footpath widths and extreme gradients to an acceptable level.
- 8.6. Manual for Street (MfS) states that the minimum unobstructed width for pedestrians should generally be 2.0m but additional width should be provided between the footway and a heavily used carriageway. MfS refers to the DfT publication 'Inclusive Mobility' which advises that where vertical features are present on one side (hedge or fence) the width should be further increased by 0.25-0.5m. Needless to say, in historic locations where existing paths are to be used these dimensions may not be achievable; however, **a proper assessment of walking routes must identify where the path falls below these widths.** Observations on site suggest these routes fall well below appropriate widths for considerable lengths.
- 8.7. The submitted walking plan indicates new dropped kerbs and tactile paving at the junction with Greenway; however, the footways to the west of Greenway are extremely narrow on one or both sides of West Street. They are too narrow for two pedestrians to pass, thereby requiring one pedestrian to step into the carriageway. They are also too narrow for a pedestrian with a pushchair and certainly too narrow for a wheelchair or mobility scooter. This is clearly not a suitable walking route without significant mitigation.



Figure 8.1 – Deficiencies in developer’s identified walking routes



8.8. Figure 8.1 illustrates the significant deficiencies in the suggested walking and cycling routes on the submitted ‘Route to school NMU plan’. This is not intended to be a comprehensive study of the condition of walking and cycling provision as that responsibility falls to the developer; however, it is clear that the developer has still failed to demonstrate that safe and suitable provision can be made for pedestrians and cyclists in accordance with TR1 and TR2.

8.9. MfS states that longitudinal gradients should be no more than 5% but recognises that topography may make this difficult to achieve. **Again, a proper assessment of walking routes must identify where the path exceeds this gradient.**

8.10. We have not completed a formal appraisal of the public footpath gradients between the site and Whitehall (or West Street), but a review of the Ordnance Survey data indicates both routes exceed 25%. Observations on site show that these routes include steps and lengths where the surface is grass or stone. These are clearly unsuitable as walking routes for many pedestrians. Factors such as age, mobility impairments, the need to carry heavy items (school books, shopping etc), walking with a pushchair or trolley are likely to deter or prevent many residents from using these routes to walk to and from the site or to and from a bus stop. During the winter months or at night the absence of comprehensive street lighting is also likely to deter pedestrians from using these routes. The result is that most movement to and from this site will be by private car. This is contrary to TR1 and TR2 and the requirements of the NPPF. It appears unlikely that this fundamental issue can be addressed by conventional mitigation measures.

Image 8.2 – Public footpath conditions (narrow widths, steep gradients and steps)





9. Current highway conditions

- 9.1. The TA includes a traffic survey carried out in July 2017 on Cleeve Hill. Three more recent surveys have been carried out by local residents in April, June and August 2021. We have reviewed the methodology and findings and can confirm that the surveys are robust and reliable. A summary of the methodology and findings is included as Appendix C.
- 9.2. These up-to-date surveys recorded traffic volumes and pedestrian numbers, but importantly they also recorded stationary traffic and congestion at the times of the surveys. These demonstrate four important factors:
- The conventional 0800-0900 and 1700-1800 'peak' periods are not the observed peaks in Watchet;
 - There is significant seasonal variation as a result of summer visitors which should be taken into consideration in any assessment;
 - The variable width of Cleeve Hill / West Street with lengths of single-width carriageway currently results in significant congestion on the primary route leading to the development site (this also applies to other locations in Watchet town centre). Any increase in traffic on these routes would exacerbate the existing congestion (contrary to WA1 and TR1 and NPPF);
 - There are significant pre-existing numbers of pedestrians attempting to use the narrow footways in close proximity to high volumes of vehicle movements (and large vehicles) on narrow historic routes. Any increase in pedestrian trips would exacerbate the existing safety issues (contrary to WA1, TR1, TR2 and NPPF).

Image 9.1 – Existing congestion due to high traffic volumes and low link capacity



- 9.3. These surveys are robust and reliable and should be taken into consideration as part of the determination of this application; however, the developer should not rely on their incomplete data from a single 2017 survey. **New surveys should be undertaken by the developer which record traffic volumes on all sensitive parts of the network, pedestrian volumes on the proposed walking routes and current congestion caused by the variable carriageway widths of the historic highway network in Watchet.**
- 9.4. **Any new assessment of operational capacity, cumulative impact and highway safety should be based on full and reliable survey data.**

10. Realigned B3191

- 10.1. The planning application includes a proposal for the realignment of the B3191 as required by policy LT1. The proposed route comprises a 5.5m wide carriageway with 2m footways on both sides. The route forms an 'S' shape with a tight bend at its north-eastern end and a more gradual bend at its south-western end. The bends will require forward visibility envelopes on the inside which may affect the developable area. The design speed is not specified so needs to be clarified. Depending on the design speed, as there is no direct frontage access this route may need to comply with the requirements of DMRB rather than MfS as its primary function will be 'movement' rather than 'place'. If that is the case, **the required stopping sight distance could range from 70m to 90m. This should be indicated on the submission drawings.**
- 10.2. The illustrative masterplan shows the site taking access from both sides of the realigned B3191 in the form of a four-arm crossroads. This would be inadvisable given the strategic function of the B3191 as means of access into the town. A cross-roads would introduce conflicting right turn movements. Furthermore, **visibility splays should be shown on the plans for vehicles emerging onto the realigned B3191.**
- 10.3. **The revised Transport Assessment should include an assessment of the operational capacity of the site access in order to determine the appropriate junction form.** It may be that a simple priority junction is sufficient; however, a right-turn lane may be required for capacity or safety reasons, and this cannot be determined without an appropriate assessment (PICADY or similar).
- 10.4. The realigned road joins Cleeve Hill immediately to the west of Saxon Close. This is one of the locations where carriageway width is restricted, and two large vehicles are unable to pass. The residents' survey identified this as a location where vehicle queues regularly occur, and large vehicles have been observed attempting (unsuccessfully) to reverse into Saxon Close to allow other vehicles to pass. It does not appear possible to widen the existing carriageway in this location due to private land ownership on the southern side and unstable coastal erosion on the northern side. The choice of location for the new road to join the existing road has obvious safety implications so **the alignment and width of any new route must take account of this pre-existing issue and seek to ameliorate it through appropriate highway design.**

Image 10.1 – Congestion caused by narrow carriageway with at eastern end of proposed realigned B3191





- 10.5. The realigned route includes footways on both sides along its entire length; however, at the points where it joins the existing road there are no footways and the carriageway is narrow with high verges/hedges on both sides. **It is therefore inappropriate to encourage pedestrian movements to these locations unless appropriate provision is to be made for pedestrians beyond the length of realigned carriageway.**



11. Recommended actions

11.1. This report provides an independent assessment of the Outline planning application for residential development at Cleeve Hill, Watchet (3/37/21/012) with regards to its effects on highways and transportation in the local area. The assessment has identified a number of deficiencies with the proposed development and the information submitted to support the planning application. Where actions are recommended, they are highlighted throughout the report in **bold**; however, for ease of reference, these are summarised below:

- Any assessment of traffic impact must consider the highest combined peaks of background plus development traffic (paragraph 5.2)
- Given the previous reason for refusal, considerable additional work is required to identify pedestrian and cycle desire lines and benchmark the distances against appropriate guidance. (paragraph 5.6)
- Multi-modal trip rates from the revised TRICS assessment should be submitted for consideration. Any assessment of NMU routes needs to include a review of the increase in usage along each route as a result of the development (paragraph 5.9)
- A full assessment of up-to-date PIA data is required to inform the access strategy and effects of development (paragraph 5.12)
- The vehicle trip distribution should be re-assessed to take account of all trip types, not just employment (paragraph 5.15)
- The TA should be amended to include a quantified, objective assessment of the effects of additional traffic on highway capacity and safety (paragraph 5.16)
- The TA should include a quantified, objective assessment of the cumulative effects of committed development, including walking, cycling, public transport, highway capacity and highway safety. It should include recommended mitigation for those combined effects and justify the level of mitigation that should be delivered by this proposed development. (paragraph 7.5)
- Pedestrian routes to all local facilities and transport interchanges must be given due consideration, not just one route to one school (paragraph 8.1)
- The proposed footpath link should be included within the red line and notice served on that landowner (paragraph 8.4)
- Walking route width, gradient, surface material, lighting and general condition must be assessed and recorded on any walking route plan (paragraph 8.5)
- A proper assessment of walking routes must identify where any path falls below the widths prescribed in SCC and national guidance (paragraph 8.6)
- A proper assessment of walking routes must identify where any path exceeds the gradients set out in SCC and national guidance (paragraph 8.8)
- New surveys should be undertaken by the developer which record traffic volumes on all sensitive parts of the network, pedestrian volumes on the proposed walking routes and current congestion caused by the variable carriageway widths of the historic highway network in Watchet (paragraph 9.3)
- Any new assessment of operational capacity, cumulative impact and highway safety should be based on full and reliable survey data (paragraph 9.4)
- The required stopping sight distance for the road realignment could range from 70m to 90m. This should be indicated on the submission drawings (paragraph 10.1)
- Visibility splays should be shown on the plans for vehicles emerging onto the realigned B3191 (paragraph 10.2)
- The revised Transport Assessment should include an assessment of the operational capacity of the site access(es) in order to determine the appropriate junction form (paragraph 10.3)
- The alignment and width of any new route must take account of existing restricted carriageway widths and seek to ameliorate it through appropriate highway design (paragraph 10.4)
- It is inappropriate to encourage pedestrian movements from the new section of road onto the locations where it joins the B3191 unless appropriate provision is to be made for pedestrians beyond the length of realigned carriageway (paragraph 10.5)



Appendix A

Letter 4/8/2020 setting out requirements for new application

Case Ref: 3/37/18/015 (please quote on all correspondence)

04 August 2020

Mr Lee
Martin S. Lee Associates Ltd
Wyndham
Station Road
Hemyock
EX15 3SE

Dear Mr Lee

TOWN AND COUNTRY PLANNING ACT, 1990. (AS AMENDED)

Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).

Land at, Cleeve Hill, Watchet, TA23 0BN

I write following the decision made at planning committee on the 16 July 2020 regarding the above mentioned planning application. As you are aware, the Planning Committee refused the planning application on the following grounds:

- Lack of affordable housing (policy target not being met);
- Lack of Land Stability Report;
- Concerns with the pedestrian access to and from the site.

We are in the process of finalising the full reasons for refusal and the decision notice will be issued in due course.

Following this decision, officers have given some consideration as to how the issues that have been raised could be addressed, if your client wanted to re-submit a new planning application for this site to be considered further. I consider that any re-submission of this scheme should include the following amendments/ additional information:

1. The description of development should be amended to include the phrase "up to 136no. dwellings".

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2. A new Masterplan should be produced taking into account the new position of the road and surface water attenuation features (see below). This should also demonstrate the setback from the extant cliff line.
3. The route known as Option 1D in the WSP Options report, should be utilised for most (approximately 80-90%) of the access road traversing through the site but would need to join up to the existing route of the B3191 at the eastern and western ends, with additional land safeguarded to allow for fully connecting up the route as per Option 1D in the future. This should be shown on the Masterplan.
4. The applicants should demonstrate that there will be adequate pedestrian access to and from the site and that the application is in compliance with adopted WSC Local Plan to 2032 policy TR1 'Access to and From West Somerset'. Part of any subsequent Design and Access Statement (DAS) and/or Transport Statement should directly address pedestrian access. Gradients and possible pavement provision within the site should be detailed if possible.
5. The applicant should provide a Land Stability report, including intrusive ground surveys to demonstrate that the land is suitable for development and that the application is fully in compliance with adopted WSC Local Plan to 2032 policy NH9 'Pollution, contaminated land and land instability' and government guidance re: land stability.
6. Surface water attenuation features as detailed as a requirement in the LLFA's response to 3/37/18/015 should be shown on the Masterplan and appropriately detailed in new drainage assessment/report/plans, in compliance with SUDS (sustainable urban drainage systems).
7. The district valuer's report should be updated to include new details cited above, including any additional costings for engineering works as a consequence of land stability issues at the site and reductions in available land for residential use resulting from SUDS.
8. The application should address the provision of near-to 35% affordable housing target as stipulated in the adopted WSC Local Plan to 2032 policy SC4.2 'Affordable Housing', there may be some potential to look at the mix of tenure/types such as increasing the shared-ownership (and/or discounted open-market units) numbers over social rented, discussions with our SWT colleagues in housing enabling could further explore this issue.
9. Any new application would need an update to the ecological survey and should include other information used with the first application 3/37/18/015 (eg archaeological surveys and results).
10. Comments from Historic England should be addressed in a revised DAS/Heritage Statement and land near to the lime kilns/Daws Castle safeguarded to open space. Details of previous archaeological activities at the site should be included (with the plan of the trial pit sites, and photos showing the locations of trial pits after being covered up, and -if possible- during excavation works, would also be very useful).

Whilst I cannot guarantee the outcome of any planning application, it is considered by

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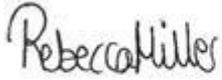
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officers that if the points raised above are addressed and no further issues are raised, the proposed development will receive officer support.

If you would like to discuss this further, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "Rebecca Miller". The signature is written in a cursive style with a large initial 'R'.

Rebecca Miller
Principal Planning Specialist

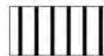
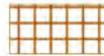
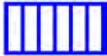


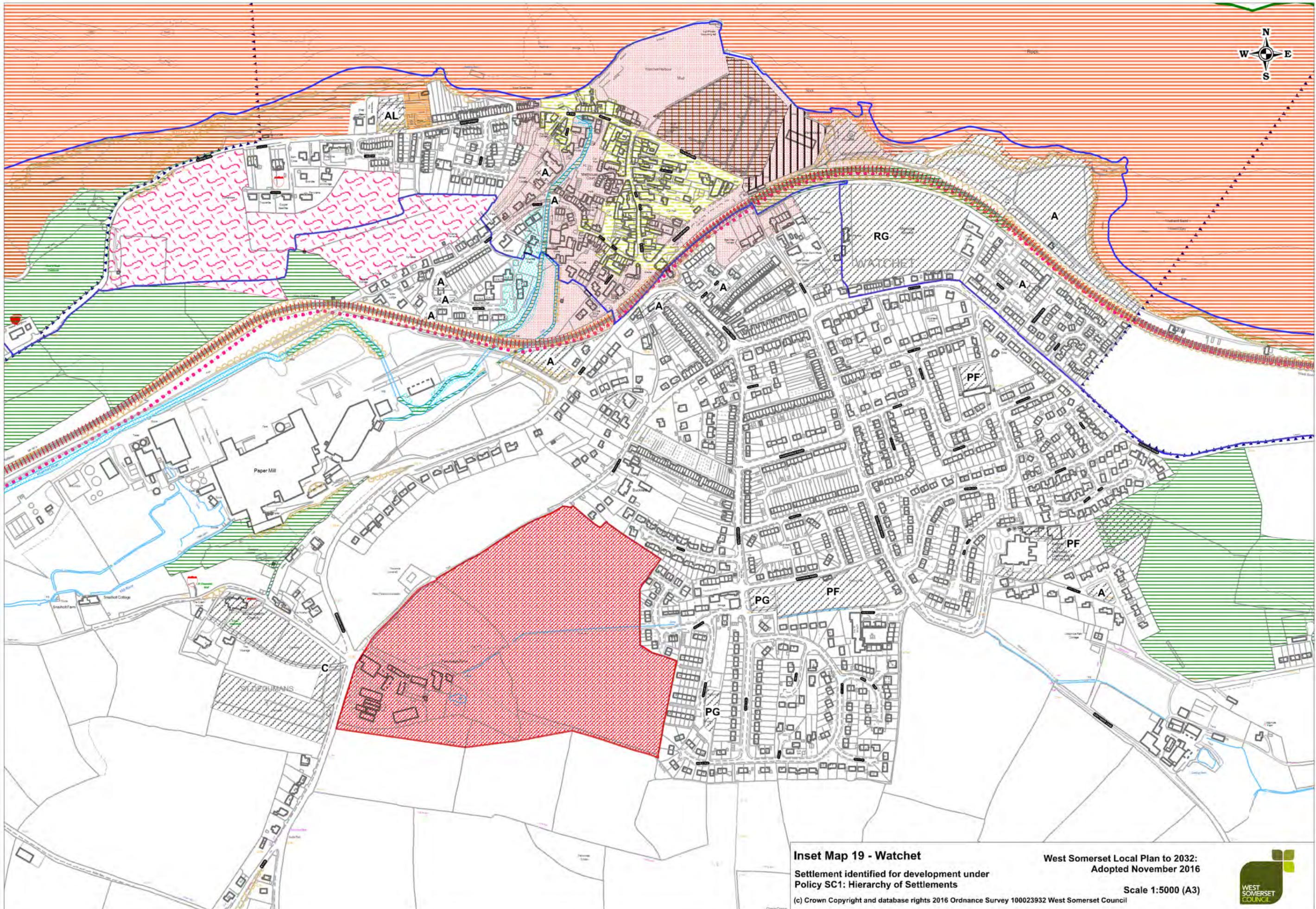
Appendix B

Summary of recent planning applications

No.	Location	Dwellings	Description	status
3/39/21/021	Mamsey House, Priest Street, Williton	4 no. 3 bed	Erection of 4 No. semi-detached dwellings with associated works	Registered
ABD/39/21/001	Fair Cross Williton	2 no. 3 bed	change of use of agricultural building into 2 No. dwelling houses	Refused
3/39/21/010	Priest Street Williton	2 no. 4 bed	Demolition of part of former care home and erection of 2 No. detached dwellings	Refused
3/37/20/007	Culvercliffe Road, Watchet		Replacement of garages with the erection of a club lounge, community hall and gy	Granted
3/39/20/010	Priest Street Williton	2 no.	Erection of 2 No. detached dwellings with associated works	Granted
3/39/20/009	Priest Street Williton	4 no. 3 bed	Change of use from a care home to provide 4 No. holiday units along with managers accommodation	Granted
3/39/20/003	Land to the west of Williton, off Priest Street, Williton	350	Outline application (with all matters reserved) for the erection of up to 350 dwellings (comprising a mix of dwelling sizes and types and affordable housing), approximately 1,000sqm of flexible uses within Use class E (limited to offices, R&D and light industrial), vehicle access, public open space, sports and recreational facilities, footpaths, cycle ways, enhancements to the Barrows scheduled monument including information boards, landscaping and associated works	Awaiting decision
3/39/18/009	Land to the East of Aller Mead, Doniford Road, Williton TA4 4RE	90	Outline planning application (with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access, provision of open space and other associated works	Granted
3/39/19/001	Doniford Road, Watchet	3No.	Conversion of agricultural building into 3 No. self-contained holiday units	Granted

West Somerset Local Plan to 2032: Adopted November 2016 Inset Map Notation

POLICY AREAS	EXISTING
 West Somerset Local Planning Authority Area (boundary)	 Exmoor National Park Boundary (Policy NH14: Nationally Designated Landscape Areas)
 Area of Outstanding Natural Beauty (Policy NH14: Nationally Designated Landscape Areas)	PROPOSAL
 Site of Special Scientific Interest (SSSI) (WSDLP Policy NC/1)	 Strategic Mixed-Use Development Allocation Site (Policy SC2: Housing Provision, MD2: Minehead, WA2: Watchet and WI2: Williton)
 County Wildlife Site (Policy NH6: Nature Conservation and the Protection and Enhancement of Biodiversity)	 Major Employment Site (Policy Policy EC2: Manor Employment Site)
 Coastal Zone (Policy CC4: Coastal Zone Protection)	 Proposed Car Park Stogursey - Policy SY/1 Watchet - Policy T/7
 Scheduled Ancient Monument (Policy NH1: Historic Environment)	 Proposed Open Space PPF - Proposed Playing Field (Policy SY/1) PPG - Proposed Playground (Policy WIT/1) PSF - Formal Sports Facility (Policy CF1: Health, Sport, Recreation and Cultural Facilities)
 Other Archaeological Site of National or County Importance (Policy NH4: Archaeological Sites of Local Importance)	 Proposed Cemetery Extension Crowcombe - Policy CRO/1 Stogursey - Policy SY/1
 West Somerset Railway / County Archaeological Site (Policy NH4: Archaeological Sites of Local Importance)	 Proposed Environment Enhancement Scheme - Minehead Seafront (Policy MINE/2)
 Linear County Archaeological Site (Policy NH4: Archaeological Sites of Local Importance)	 Site for Mixed Employment, Housing, Community Uses: East Wharf, Watchet (Policy WAT/1)
 Area of High Archaeological Potential (Policy NH3: Area of High Archaeological Potential [AHAP])	 Parsonage Farm Heritage Protection (Policy WA2: Key Strategic Development Allocations at Parsonage Farm, Watchet)
 Historic Park and Garden (Policy NH1: Historic Environment)	 Battlegore Archaeological Protection (Policy WI2: Key Strategic Development Allocations at Williton)
 Conservation Area (Policy NH2: Management of Historic Assets WSDLP Policy CA/4, CA/5)	 Long-Term Strategic Mixed-Use Development Allocation Site (Policy LT1: Post 2026 Key Strategic Development Sites)
 Zone 3 Flood Risk Area	
 Tourism Area - Minehead (Policy TO/2)	
 Minehead Retail Area/Central Retail Area (Policy EC12: Minehead Retail Areas and Central Retail Areas for Alcombe, Watchet and Williton WSDLP Policy SH/3)	
 Minehead Secondary Retail Area (Policy EC12: Minehead Retail Areas and Central Retail Areas for Alcombe, Watchet and Williton)	
 Coastal Change Management Area (Policy CC3: Coastal Change Management Area)	
<p>Open Space</p> <p>A - Amenity (WSDLP Policy R/7)</p> <p>AL - Allotment (WSDLP R/8)</p> <p>C - Churchyard / Cemetery (WSDLP R/7)</p> <p>O - Orchard (WSDLP R/7)</p> <p>PG - Playground (WSDLP R/3)</p> <p>PF - Playing Field (WSDLP R/3)</p> <p>RG - Recreation Ground (WSDLP/3)</p>	
	
 Bat Consultation Zone (Policy NH11: Bat Consultation Zone)	
	<p>Notes:</p> <p>Known and potential built heritage assets should be checked against the (Somerset) Historic Environment Records - Somerset HER's currently held by South West Heritage Trust. See; http://www.swheritage.org.uk/</p> <p>Known and potential natural heritage assets should be checked against natural environment and geological records currently held by Somerset Environment Records Centre - SERC See; http://www.somerc.com/home/</p>



Inset Map 19 - Watchet

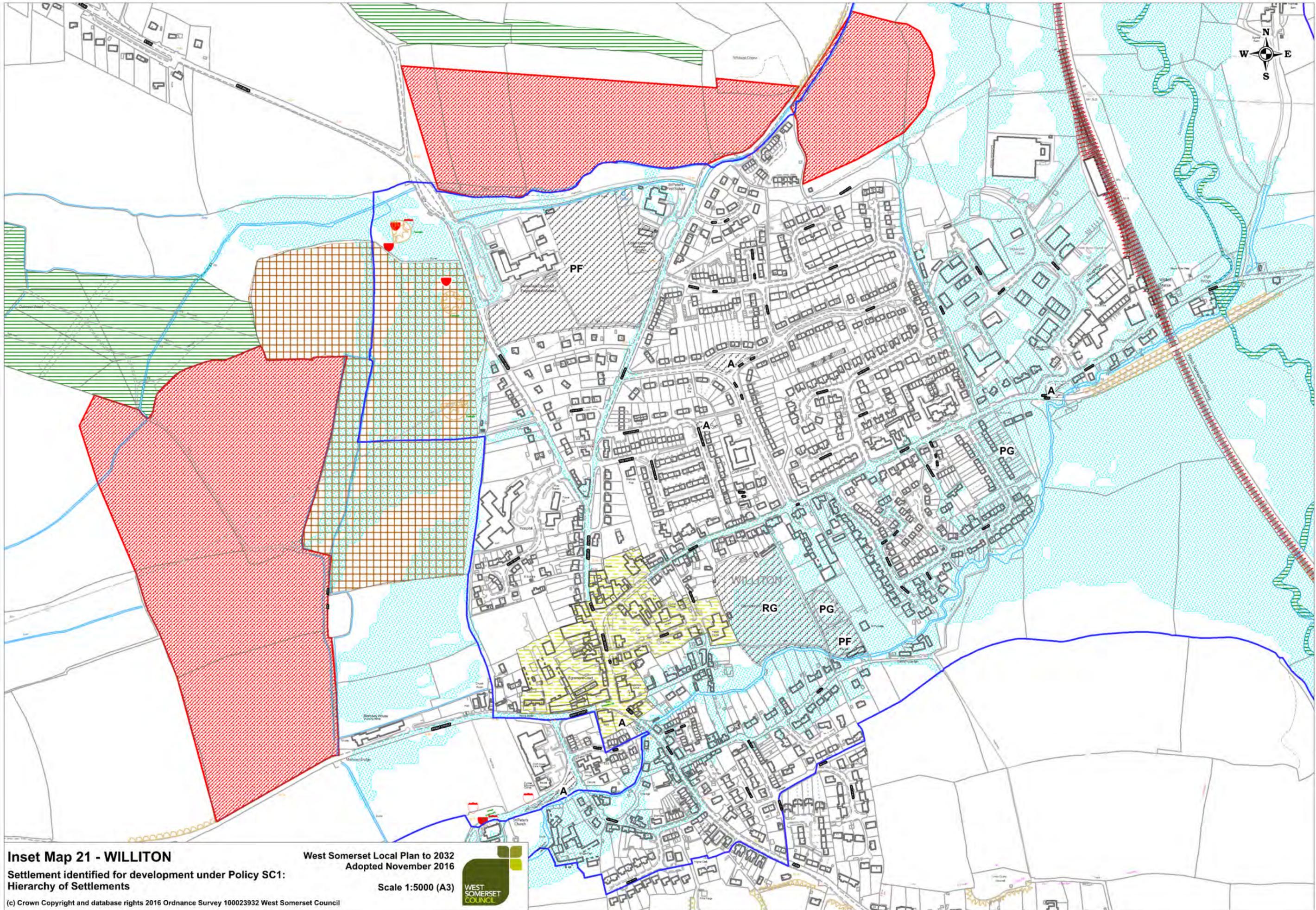
Settlement identified for development under
Policy SC1: Hierarchy of Settlements

West Somerset Local Plan to 2032:
Adopted November 2016

Scale 1:5000 (A3)

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Inset Map 21 - WILLITON

Settlement identified for development under Policy SC1:
Hierarchy of Settlements

West Somerset Local Plan to 2032
Adopted November 2016

Scale 1:5000 (A3)





Appendix C

Recent surveys, methodology and findings

Three Traffic Surveys Watchet 2021

Survey 1 April 22-28 inclusive Aware that the Cleeve Hill Planning Application 3/37/21/012 was soon to be discussed, a Residents group mainly of those living on the B3191 in West Street, Watchet decided to survey the traffic to gauge what threat the development posed to existing congestion.

The survey took place during the Covid Lockdown between April 22- 28 inclusive. It sampled three time periods 7.45-9.45, 12-2 pm and 3-5 pm. Two people filled in a proforma counting traffic in both directions Westbound and Eastbound. It revealed that over the seven days:

- The flow was roughly the same in both directions.
- There was little difference between weekdays and the weekend.
- The average number of vehicles across the day, measured in those time slots, was 992
- Peak Hours as applied by Hydroc in the Transport Report, did not exist as the traffic was lightest at the beginning and end of the day and heaviest between 12-2 pm.
- There were almost as many pedestrians as cars.
- There were on average 22 bicycles a day. 157 in total.

Survey 2 June 4-6 inclusive When Lockdown eased, and traffic was increasing, the Residents group repeated the survey using the same time slots on Friday 4th June.

That day revealed:

- The flow was roughly the same in both directions.
- There was more traffic on Saturday and Sunday.
- The number of vehicles across the day, measured in those time slots, increased from 992 in April to 1268 in June.
- Peak Hours as applied by Hydroc in the Transport Report did not exist as the traffic was lightest at the beginning and end of the day and heaviest between 12-2 pm.
- There were 793 pedestrians on average each day increasing from an average of 634 per day in April
- There were 20 bicycles on average each day which was a similar number to the average of 22 a day in April.

Curious to discover how busy the road was during the whole day, the survey on the next two days was over the day from 8.15 am-5pm. The results were considered in the same three time periods

- The flow was roughly the same in both directions.
- The number of vehicles across the day, measured in the original time slots, was similar to April 2021 at 1281
- Peak Hours as applied by Hydroc in the Transport Report did not exist as the traffic was lightest at the beginning and end of the day and heaviest between 12-2 pm.
- There were twice as many pedestrians as cars increasing from an average of 634 per day in April to 1210 in June.
- There were on average 43 bicycles per day.

Survey 3 August 14-16 inclusive. The two earlier surveys focussed the Resident's attention on the congestion points on the B3191 and the split in traffic flow caused by the railway line. The major congestion points are at the Cooperative on Swain Street and Saxon Close where the Developer proposes to route his highway back onto the existing B319.

The traffic on the B3190 which is the road connecting to the A39 for Bridgwater in the East and the A39 Bridgwater- Minehead road to the South carries the traffic from both the East side of the railway line and from the West to the connecting road at Williton for the A39 and A358.

It was decided to sample traffic at all three sites on the same days at the same times.

the third survey was set up to test the following hypotheses;

- Traffic flow though Watchet on the B3190 is heavier than on the B3191.
- The traffic flow on both the B3190 and B3191 is similar in both directions throughout the day
- The Peak hours in Watchet are when people leave for work between 0800-0900 and returning between 1700-1900
- The main flow into traffic is in the middle of day on all days of the week.
- Jams confirm there is a major congestion point on the B3191 in Swain Street outside the Co-operative carpark.
- Jams confirm the major congestion point on the B3191 where the road narrows to single track at Saxon Close.

Method

Proformas with time slots broken into 15-minute fragments were produced for all three locations. (example attached)

Two monitors infilled the Pro forma one noting one direction, one noting the other.

Both monitors noted traffic jams. A jam was defined as the traffic stationary for more than one minute. Time was measured until the jam was cleared and the traffic was running freely

Results

There were 2621 cars on the B3190 on the 16th August and 2100 cars on the B3191.

There was minimal difference between directions on either the B3190 or B319

There was no evidence of a peak hour at 0800-0900 or returning between 1700-1900.

The main flow of traffic onto the B3191 was between 1200 and 1400 in Swain Street, Saxon Close and similarly on the B3190, Brendon Road,

There were 3 small jams at the Cooperative on 14 August, 1 on 15th August and none on 16th August indicating regular congestion.

- There were 4 jams at Saxon Close on Day 1 (14 August) the longest being 8 minutes.
- There were 2 jams at Saxon Close on Day 2, (15 August) the longest being 5 minutes.
- There were 2 jams at Saxon Close on Day (16 August) the longest being 20 minutes.
- There were no jams on Brendon Road.

Congestion was caused when a lorry, bus, caravan, campervan or bus met a van or large car like an SUV. Monitors noted cars always managed to get around one another by getting on to the pavement or into a slightly wider area.

All monitors in Swain Street noted that there was almost continuous slow-moving traffic with cars regularly mounting the pavements to avoid people. The monitors on Day 3 from 1600-1800 noted 25 cars mounting the pavements in that period.

There were positive and negative comments on Facebook during the survey someone suggested that the monitors on the pavement were, like pedestrians were exposed to danger.

Visual inspection of the results from the April – June and August surveys suggest that a graph would confirm that there is no morning and evening peak hour on the B3191.

Conclusion

The Transport Plan submitted by the Developer is not supported by the evidence.

From: [Miller, Rebecca](#)
To: [Planning](#)
Subject: FW: Response WTC - Cleeve Hill
Date: 04 November 2021 10:39:47
Attachments: [JGuise3Nov"21.pdf](#)

Please save

Thanks

Rebecca

Rebecca Miller
Head of Development Management
Somerset West and Taunton Council
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01823 219470
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From: Town Clerk Watchet T.C. <mailbox@watchettowncouncil.org>
Sent: 04 November 2021 10:21
To: Guise, Jeremy <J.Guise@somersetwestandtaunton.gov.uk>
Cc: Miller, Rebecca <R.Miller@somersetwestandtaunton.gov.uk>
Subject: Response WTC - Cleeve Hill

Dear Mr Guise

Please find attached a formal submission to SW&T planning in response to the SCC Highways dismissal of the letter and report submitted by Watchet Town Council. Watchet Town Council expect this letter to be posted on the planning portal and into the public domain.

Many thanks

Regards

Sarah Reed

Sarah Reed
Town Clerk

: 01984 633344

: www.watchettowncouncil.org

Watchet Town Council
Watchet Visitor Centre
Harbour Road
Watchet
Somerset
TA23 0AQ

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Jeremy Guise
Planning Officer
Somerset West & Taunton Council

3 November 2021

Ref: *Further formal response from Watchet Town Council to planning application, Cleeve Hill Watchet, application 3/37/21/012*

Dear Mr Guise

On 23 September 2021 Watchet Town Council submitted a letter of objection against the above planning application, supported by a technical appraisal we had commissioned from Entran, an external independent traffic and environmental expert. This submission identified that the application is deficient in many respects and fails to comply with local policies TR1, TR2 and WA1, as well as national policy NPPF. Furthermore, it identified that the traffic assessment should include a quantified, objective assessment of the cumulative effects of committed development, including walking, cycling, public transport, highway capacity and highway safety, and that it should include recommended mitigation for these combined effects and justify the level of mitigation delivered by this proposed development.

We have reviewed the SCC Highway Authority's desultory consultation response dated 21/10/21 ref WSC/2021/015900 and posted on your portal in response to our submission.

WTC as a statutory consultee remains deeply concerned that the highway authority has dismissed the entire submission out of hand without even seeking a response from the applicant before making their latest comments or considering the wider responsibilities they hold as transport authority.

There can be no doubt that the developer has failed to assess the off-site effects of the additional traffic and had not even considered the cumulative effects of committed development. That is unquestionably a matter that needs to be addressed. Furthermore, in the absence of such a proper assessment that is a clearly defensible reason for refusal (NPPF para 110).

The previous application was refused by SW&T planning committee due to concerns about pedestrian and cycle access but again, the developer has undeniably failed to demonstrate how safe and suitable access can be provided for all non-motorised users (TR1, NPPF 110) and they have certainly not demonstrated how this development would give priority to pedestrians and cyclists and then to public transport users (TR2 and NPPF 112).

The Highways authority in their response have declined to require this to be done by the developer and have therefore failed in their duty properly to assess such matters which fall under their remit as Highway's authority.

Additionally, the local highway authority's obligations extend beyond ensuring safe, free flow of traffic; they have an obligation to ensure new development promotes sustainable travel behaviour which this proposal clearly does not. It is therefore extremely disappointing that they are entirely focused on the delivery of a short length of the B3191 rather than securing an appropriate form of development.

We therefore ask whether the SW&T as planning authority, despite SCC's response, have asked for the developer to address the issues we have raised, and if not, why not?

SW&T would similarly be failing in its duty as planning authority if it does not require such matters to be addressed.

By copy of this this reply to SCC Highways we are also formally requesting them to demonstrate and justify why they consider the proposed development complies with NPPF paras 110 and 112 as well as WA1, TR1 and TR2, and we would be appreciative of a meeting with the SW&T planning officer handling this application to discuss how these matters might be addressed to our satisfaction.

Yours sincerely



Sarah Reed
Town Clerk

Cc Rebecca Miller SW&T Planning
SCC Highways Traffic Manager



Sarah Reed
Town Clerk
Watchet Town Council
Watchet Visitor Centre
Harbour Road
Watchet
Somerset
TA23 0AQ

Dear Sarah,

135 new dwellings at Cleve Hill (3/37/21/012) – SWTC and SCC response to WTC objection

Thank you for passing us a copy of an email from the planning case officer in January 2022, including an extract from comments made by the local highway authority (SCC). We have reviewed that email and the full consultation responses made by SCC and would offer the following comments.

We were very surprised that the planning authority passed your letter of objection and our Technical Note 1 to SCC for comment, but does not appear to have asked the applicant to respond to any of the legitimate objections. As you are aware, we act for housing developers throughout the UK and it is very common for the planning authority to pass any highways objections made by Town or Parish Councils to us (via the applicant), requesting a written and/or technical response. Your letter of objection provided four policy-based reasons for refusal but importantly, set out some twenty detailed points where the applicant's submission material was deficient. We cannot understand why the applicant was not asked to respond to those points; at the very least so the Members of the Planning Committee can make an informed decision.

SCC have stated that they have reviewed your letter of objection and our Technical Note 1 and consider that there are "*not sufficient grounds for refusal of the development proposed subject to appropriate conditions and legal obligations being met*". We fundamentally disagree with this position because no conditions or obligations can address the fact that the applicant has failed to quantify the significant adverse effects of this development on highway safety and capacity (either in isolation or cumulatively). They have also failed to provide any coherent strategy to ensure the safety of pedestrians and cyclists, or people with disabilities. It is very disappointing that SCC has not provided a more complete justification as to why they disagree with your four reasons for refusal.

However, notwithstanding these important points, SCC's position appears to be setting a very low bar for new developments in Watchet. Paragraph 126 of the NPPF states "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*" The creation of high-quality places is not isolated to building design but extends to the movement strategy and means of access. Paragraph 130 then states, "*Planning policies and decisions should ensure that developments: (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*". We would therefore expect the local highway authority to be seeking the best quality developments achievable rather than supporting self-evidently poor-quality developments. We would have expected as a minimum for SCC to ask the applicant to respond to your letter of objection, and to address each of the areas where their scheme and submitted information is currently deficient.

We are also somewhat alarmed by the planning case officer's comments in relation to the need to conduct a full and thorough Transport Assessment for a planning application where the site is allocated in the Local Plan. The case officer's statement that this is not a windfall site but an allocated site, inferring that the transport effects have already been fully assessed, suggests a fundamental misunderstanding of the DfT's guidance on Travel Plans, Transport Assessments and Statements.



The officer has commented that *“As an allocated site the issues around its general suitability to accommodate residential development have already been tested and considered acceptable by a Planning Inspector as part of the Local Plan process.”* It is certainly the case that the principle of residential use on this site was considered as part of the Local Plan process, but no transport modelling was carried out for Watchet as part of the process. In some circumstances a microsimulation model is used to inform the Local Plan EiP process and any subsequent planning applications for allocated sites then simply need to demonstrate how the proposed uses compare to those assumed in the model. That is clearly not the case here; it is therefore incumbent on the developer to assess the effect of their development on the transport network, both in isolation and cumulatively with relevant committed development, and to identify any mitigation measures that may be required. As stated in TN1 the applicant’s Transport Assessment does not include any reference to the existing operation of any local roads or junctions, nor does it assess the effect the development will have on those roads and junctions. They have therefore failed to assess the likely effects of the proposed development on an already congested highway network. A proper assessment is likely to identify essential mitigation measures or set a limit on the number of dwellings that can be developed. It is not possible to address these issues by condition or obligation until the proper assessment has been carried out.

An equally concerning comment is that *“pedestrians sharing a carriageway with vehicles along small stretches of existing streets is not that uncommon in historic towns.”* Again, this is factually correct but a wholly inappropriate comment when considering this proposed development and the specific nature of the only routes available to pedestrians, cyclists and people with disabilities and reduced mobility. As we pointed out in Technical Note 1, the applicant has not even attempted to quantify the number of additional people that would be walking or cycling along Cleeve Hill/West Street/Market Street as a result of this development. It is therefore not possible for the planning or highway authorities to make an informed decision as to the likely effects on highway safety as required by policy TR1. Equally, policy TR2 requires new developments to give priority first to pedestrian and cycle movement and then to public transport passengers. Given that the submitted Transport Assessment has not even determined the likely numbers of people travelling by these modes, it is evident that this will be a car-based development with very few opportunities for the residents to make sustainable travel choices. Even the briefest of site visits makes it quite clear that the current infrastructure would make it impossible for someone with limited mobility to live in this development without complete reliance on a car for even the shortest of journeys. The applicant has not suggested any suitable infrastructure improvements that would address this; in fact, they have not even identified this as an issue. It is not possible to address these issues by condition or obligation until the proper assessment has been carried out.

The most telling comment in the planning case officer’s email is that the proposal will deliver a new alignment for the B3191 and that this will be weighed in the planning balance. It appears that they consider such a tempting infrastructure scheme outweighs the most fundamental principles of delivering suitable development. Many of the new residents would be entirely reliant on private cars for the majority of their journeys. The proposals do not include off-site works to enable safe means of access for pedestrians and cyclists, or safe and suitable routes to public transport interchanges. The proposals do not include any realistic improvements that would make this a suitable location for people with disabilities or reduced mobility. Within the context of the NPPF, these key components of sustainable development cannot simply be outweighed by the highway authority’s desire for a development to fund a road realignment scheme.

In the absence of a Transport Assessment which properly quantifies and assesses the predicted effects of the development, any decision made based on this ‘planning balance’ may be challengeable.



The officer concludes by claiming that neither the planning officers nor highway officers consider there to be any material considerations that “*override the presumption in favour of development.*” The officer has omitted a critical word from this statement; the NPPF refers to a presumption in favour of *sustainable* development. For the reasons set out above, in Technical Note 1 and your letter of objection, this is demonstrably not a sustainable development in its current form.

We consider WTC’s four suggested policy-based reasons for refusal are sound and defensible. These are repeated below.

1. The applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be mitigated to an acceptable degree. (NPPF)
2. The applicant has failed to demonstrate that any impacts from the development in terms of highway capacity and congestion will not have an adverse effect on the attractiveness of Watchet as a tourist destination. (Policy WA1)
3. The applicant has failed to demonstrate that safe and suitable access can be provided to and from the site for all users including pedestrians, cyclists, and people with disabilities and reduced mobility. (TR1 and NPPF)
4. The proposed development does not give priority first to pedestrian and cycle movement and then to public transport passengers in order to maximise the attractiveness of modes of transport other than the private car. (TR2 and NPPF)

Please can we ask you to pass these comments to the planning case officer for consideration. We would recommend that you request the following actions:

- The applicant should be asked to provide a written response to WTC’s letter of objection, addressing each of the identified deficiencies in turn.
- SCC should be asked as a courtesy to write to WTC to explain in detail why they would not support each of the suggested reasons for refusal, setting out how the proposed development complies with the policies to which they refer.

I trust that the above covers all matters in sufficient detail, however, please do not hesitate to contact me if you require any further information.

Yours sincerely


Richard Fitter
Director FCILT, FICE, FIHE

Jeremy Guise
Planning Department
SW&T Council

J.Guise@somersetwestandtaunton.gov.uk

29 March 2022

Ref: Outline Application: Residential Redevelopment of Agricultural Land for Estate of up to 136 Dwellings. Creation of New Vehicular Access (closure of existing). Provision of Estate Roads, Pathway, New Public Rights of Way, Cycleways and Open Recreational Space. Partial Re-alignment of Existing Public Highway (Resubmission of 3/37/18/015): Cleeve Hill, Watchet ref. 3/37/21/012

Dear Mr Guise,

Watchet Town Council has instructed me to write to you and refer you to my previous letters of 23 September 2021, 3 November 2021 and email of 17th January 2022 outlining Watchet Town Council's objection to this application.

I am authorised by Watchet Town Council to reply to your email of 19th January 2022 by this letter because you have continued to fail to address the legitimate points we have raised.

Your email contains a number of key omissions and errors which are addressed in more detail in the attached letter from Mr Richard Fitter our consultant traffic and environmental consultant with Entran, who has asked that his report and comments be passed on to you in support of our continuing objection.

Your email concludes by claiming that neither the Planning Officers nor Highway Officers consider there to be any material considerations that "override the presumption in favour of development." This has omitted a critical word from the statement as the NPPF refers to a presumption in favour of **sustainable** development. For the reasons set out in our submissions, including Technical Note 1 and our letters of objection, **this is demonstrably not a sustainable** development in its current form.

Watchet Town Council's four suggested policy-based reasons for refusal are sound and defensible as detailed below:

1. The applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be mitigated to an acceptable degree. (NPPF)
2. The applicant has failed to demonstrate that any impacts from the development in terms of highway capacity and congestion will not have an adverse effect on the attractiveness of Watchet as a tourist destination. (Policy WA1)
3. The applicant has failed to demonstrate that safe and suitable access can be provided to and from the site for all users including pedestrians, cyclists, and people with disabilities and reduced mobility. (TR1 and NPPF)
4. The proposed development does not give priority first to pedestrian and cycle movement and then to public transport passengers to maximise the attractiveness of modes of transport other than the private car. (TR2 and NPPF)

As you have still failed to address properly many of the issues we have raised, Watchet Town Council formally request that you commit to complete the following actions.:

- The applicant should be asked to provide a written response to WTC's letters of objection, addressing each of the identified deficiencies in turn.
- SCC should be asked as a courtesy to write to WTC to explain in detail why they would not support each of the suggested reasons for refusal, setting out how the proposed development complies with the policies to which they refer.

Watchet Town Council would finally note that in the absence of a Transport Assessment which properly quantifies and assesses the predicted effects of the development, any decision made based on this 'planning balance' may be challengeable.

Watchet Town Council understand that the SW&T Planning Committee are scheduling a site visit prior to the application being considered at committee. Although historically, former West Somerset Council held such site visits as a public session of committee, Watchet Town Council understand this will be a closed meeting where the public are not permitted to attend. Watchet Town Council would therefore appreciate being informed on when this site visit is scheduled, and when it will be considered by committee such that Watchet Town Council may plan to request to make appropriate representation under public participation.

Yours sincerely

Sarah Reed
Clerk to the Council

cc SCC Highways

Simon Fox
Planning Officer
Somerset West & Taunton Council

16 December 2022

Comments on Cleeve Hill planning application 3/37/21/012 by Watchet Town Council

Following discussion at the Watchet Town Council Environment and Planning Committee held on Thursday 15 December, I wish to submit the following observations.

The Town Council stands by the comments it has made in its previous submissions dated on the Planning Portal as follows:

21 April 22, 5 April 22, 31 March 22, 3 November 21, 3 November 21, 23 September 21, 25 May 21, 27 April 21.

The Council has submitted evidence from two independent specialists to the Planning Authority, Richard Fitter of Entran who has over 30 years of experience in traffic engineering and transport planning, and by Dr Andrew King of Geckoella who are specialist consultants on Ecology and Geology. These specialists challenged the traffic analysis and the land stability assessments provided by the applicant.

The Council supports the assessments on land stability prepared for the Planning Authority by Clare Barber of Fairhurst consultants. The Council considers that to grant permission for this development would breach National Planning Policy NH9 regarding development on unstable ground. The ground cannot be made stable without coastal protection works which are at present un-costed and unfunded.

The Council would draw the attention of the Authority to the comments on pedestrian access by Somerset County Council Highways in their submission of 8 August 22 when they state that a contribution from S106 of some £30,000 would be required to upgrade footpath WL30/1 which leaves West Street opposite the Watchet Town Council car park to reach the proposed development site. They recognise "... that the constraints of this route, specifically in terms of its width and gradient, mean that it will not be accessible to all." This means wheelchair and buggy users would struggle using this especially since that cost does not include a lighting scheme. Highways recognise that two other footpaths cannot be upgraded due to landowner issues ie the landowners will not let the developer touch them. Given this, the development fails to meet national planning guidance on accessible pedestrian access.

The council would draw the attention of the Authority to the comments in the submission by the Somerset Clinical Commissioning Group dated 23 May 22. After making an assessment of doctors surgery capacity in Watchet and Williton they conclude that a S106 contribution of £78,684 is required to mitigate against the effects of the development were the authority is minded to grant permission for it.

The Council understands that the Authority is minded to forego these two S106 contributions in favour of the developer fully funding the realignment of the B3191. The Council can only deplore this situation.

The Council also fully supports the submissions by the West Somerset Railway which object to the proposed mitigations suggested for the Goviers Lane rail crossing which is shown as the preferred route to school from the proposed development site. It is considered that the extra foot and buggy



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traffic generated by this development would stretch the capacity of the rail crossing without costly mitigation in the form of a ramped accessed bridge at that point.

The Council wishes to convey its serious objections to this planning application which is brought forward early without justification and is no longer a mixed use development as envisaged in the approved Local Plan.

APPENDIX -

2) Highways consultation responses:

09 July 2022

13 July 2022

25 August 2021

21 October 2021

08 August 2022

Somerset County Council

County Hall, Taunton
Somerset, TA1 4DY



For Roads and Transport services: 0300 123 2224

Planning and
Development
The Deane House
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Somerset
TA1 1HE

please ask for:
Ben Willmott

extension:
01823 359540

email:
HighwaysDevelopmentControl@somerset.gov.uk

my reference:
WSC/2021/015900

your reference:
3/37/21/012

9 July 2021

FAO: Alex Lawrey

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS,
FOR THE RESIDENTIAL REDEVELOPMENT OF AGRICULTURAL LAND FOR 136
DWELLINGS WITH THE CREATION OF VEHICULAR ACCESS (CLOSURE OF
EXISTING), PROVISION OF ESTATE ROADS, PATHWAY, PUBLIC RIGHTS OF
WAY, CYCLEWAYS AND OPEN RECREATIONAL SPACE. ALSO, PARTIAL RE-
ALIGNMENT OF PUBLIC HIGHWAY (CLEEVE HILL) (RESUBMISSION OF
3/37/18/015)
APPLICATION REFERENCE: 3/37/21/012**

I refer to the above planning application received by the Highway Authority on 13 April 2021 and have the following observations on the highway and transportation aspects of this proposal. I apologise for the delay in our response.

The proposal is a resubmission of previous application 3/37/18/015 for the same number of dwellings but with a different route for the proposed relocation of the B3191 and two points of access to serve the residential development.

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Transport Assessment

The Highway Authority has assessed the supporting transport information and maintain our view that the proposal, on balance would be difficult to recommend and sustain an objection against the application and its compliancy with the NPPF.

Road Relocation and vehicular access

The application is seeking to secure the rerouting of the B3191 and the longer term security of the classified road, due to coastal erosion issues faced in the area. This was previously agreed in principle as part of former application 3/37/18/015 following guidance from the published B3191 Watchet to Blue Anchor Option Assessment Report from February 2020.

This proposal however, whilst in principle meets the associated policy requirement LT1 in the Local Plan, is limited in terms of detailed design for the Highway Authority to appropriately assess.

The Highway Authority need to ascertain, along with the proximity of the two access points whether the road and its proposed new route is deliverable. Therefore, with consideration of the topography of the proposal site, the Highway Authority would require, further detailed information on appropriately scaled, detailed engineered drawings highlighting how the B3191 would cut and tie into the proposed new route for further assessment to establish whether, in real terms its delivery is achievable.

It needs to be understood, how the rerouting of the road and closure of the existing route will work in harmony and be appropriately delivered in a manner that is acceptable to the Highway Authority.

Non-motorised user access

The supporting drawings would indicate proposed footways directing pedestrians, onto the B3191. The scheme needs to be designed to ensure pedestrian footfall does not encourage future pedestrian and vehicular conflict on the classified carriageway whilst ensuring appropriate crossing areas have been implemented and agreed in writing in conjunction with the Highway Authority. It is also recommended that the applicant investigate what desire line could be improved on the existing highway

For Roads and Transport services: 0300 123 2224

network to/from local amenities and destination points to promote non-motorised user travel.

The Highway Authority are in the process of providing detailed requirements and obligations for the applicant, to be secured through a S106 to improve and upgrade existing Public Rights of Way. This detail is to be finalised shortly, and the Highway Authority will provide this information to the LPA at the earliest opportunity once completed.

Estate Roads

Whilst the application is at outline stage with all matters reserved except for access the applicant has provided an indicative layout of how the scheme (if the LPA are minded to grant consent for this application) is proposed to be implemented at the reserved matters phase. The Highway Authority can offer the following comments at this stage based on the information provided to date and with reference to Drawing Numbers:2161/201C & 2161/202.

- It is assumed all brown shaded areas are indicated to be shared surface/blocked paved area, however not all are currently to an adoptable standard primarily due to their current design and lack of appropriate turning areas.
- The Octagon shaped 'arrangements' is not a design SCC currently cater for and would need to understand how it would work in harmony and remain S38 compliant.
- The current arrangement proposed to the eastern end of the site, would not be to an adoptable standard in its current format and would require amending. This would in turn compromise the adoptability of the internal Estate/approach road, primarily for the absence of an appropriate turning head.
- There are initial concerns about the indicative parking arrangement off the eastern Estate Road for plots 12-20 in relation to the proposed estate road layout. This may compromise any future S38 adoption submission.

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- Should consent be granted, vehicle, cycle, motorcycle, and electric vehicle charging points (EVCs) is expected to be in line with the Somerset Parking Standard when submitting supporting detail at reserved matters stage.

It is recommended prior to any reserved matters application, early engagement is made with the Highway Authority Estate Roads Team to discuss any S38 adoption proposals.

Travel Plan

The application consists of a supporting Travel Plan which has been assessed.

There are a number of issues identified, that will require addressing to achieve an acceptable Travel Plan. A suitable Travel Plan must be secured through a S106 with appropriate trigger points.

The key points that require addressing are:

- A Travel Plan Fee has not been committed to within the TP. The fee amount would be £3000 and paid directly to SCC.
- Safeguarding sum needs to be identified within the TP (£29,875). The use of safeguarding has been committed to in section 1.3.6.
- The Site Audit fails to provide sufficient detail regarding the sustainable access to and from the site via walking and cycling. An example being current speed limits on nearby roads to establish the feasibility of cyclist using the roads regularly.
- Bus Stop provisions have not been accounted for within the Travel Plan (e.g. shelters, flagpoles, and visible timetables).
- The site is located within a suitable cycling distance to a couple of schools however no detail is present as to what facilities are available to accommodate cyclists (e.g. how many bicycle stands they have available).
- The Action Plan fails to fully commit to measures it highlights in Table 9.2. Some of the measures noted require further clarification, for example the use of Travel Vouchers and public noticeboard.

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Drainage

Our comments in relation to previous submitted scheme 3/37/18/015 remain valid to this application, and our reiterated below:

Given the limited detail provided for the revised scheme, the applicant will need to be mindful of the existing drainage infrastructure. The new proposal must not compromise any of the existing arrangements or rights of discharge.

Full details will be required for the existing drainage and services and how the proposed drainage arrangement will work in harmony with the existing drainage arrangements.

Summary

The level of detail submitted to date for the proposed relocation of the B3191 and proposed accesses is insufficient for the Highway Authority to understand whether in principle it can be satisfactorily achieved without any prejudice to highway safety. Given access is not a reserved matter, detailed engineering drawings are required to be submitted to ascertain this through further assessment. The Highway Authority also recommend the applicant investigate the scope for pedestrian improvements on the wider network to improve non-motorised user accessibility to and from local destination areas.

Once the Highway Authority has received this necessary information further comments will be provided to the LPA once the detail has been appropriately assessed.

Yours faithfully,

Ben Willmott
Senior Planning Liaison Officer
Economic and Community Infrastructure Operations
Traffic and Transport Development Group
Somerset County Council

From: [Ben Willmott](#)
To: [Lawrey, Alex](#)
Cc: [Planning](#)
Subject: Cleeve Hill, Watchet - 3/37/21/012
Date: 13 July 2021 09:44:04

Dear Alex,

With regards to the above site and further to our comments dated 9 July 2021, please see the following requirements and obligations as part of the scheme to improve and upgrade non-motorised user access, to be secured as part of any S106 obligations:

- To provide a dedicated footpath on the north west of the site generally in accordance with drawing no. 2162/201D, and with the provision of a dedicated safe and convenient footpath link scheme to the England Coast Path National Trail. To act as an alternative route for the England Coast Path when Cleeve Hill road is temporarily or permanently closed to walkers. To cooperate in full with the County Council and Natural England in relation to any rollback or variation report process to relocate the England Coast Path as may be necessary (Timing to be agreed).
- Prior to first occupation to provide a lit and metalled footway link from the development to public footpath WL 30/1.
- Prior to commencement a contribution of £30k is payable to the County Council to upgrade the surface of footpath WL 30/1 from the development to West Street
OR
Prior to first occupation deliver surface upgrade works to WL 30/1 from the development to West Street (*this will require 3rd party landowners to sign up to the s106/s278*).
To improve the accessibility for pedestrians as far as possible.
- Prior to completion to provide a footway connection link from the development to public footpath WL 30/2.

Kind regards

Ben Willmott
Senior Planning Liaison Officer
Highways Development Management
Economic and Community Infrastructure Operations
Somerset County Council
B2 West
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* BWillmott@somerset.gov.uk
* HighwaysDevelopmentControl@somerset.gov.uk

As a result of Coronavirus, all Somerset County Council staff have been asked to work from

Somerset County Council

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extension:
01823 359540

email:
HighwaysDevelopmentControl@somerset.gov.uk

my reference:
WSC/2021/015900

your reference:
3/37/21/012

FAO: Jeremy Guise

25 August 2021

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS,
FOR THE RESIDENTIAL REDEVELOPMENT OF AGRICULTURAL LAND FOR 136
DWELLINGS WITH THE CREATION OF VEHICULAR ACCESS (CLOSURE OF
EXISTING), PROVISION OF ESTATE ROADS, PATHWAY, PUBLIC RIGHTS OF
WAY, CYCLEWAYS AND OPEN RECREATIONAL SPACE. ALSO, PARTIAL RE-
ALIGNMENT OF PUBLIC HIGHWAY (CLEEVE HILL) (RESUBMISSION OF
3/37/18/015)
APPLICATION REFERENCE: 3/37/21/012**

I refer to the additional information received by the Highway Authority on 28 July 2021 in relation to the above planning application and have the following observations on the highway and transportation aspects of this proposal.

In our previous comments dated 9 July 2021 the Highway Authority required further detail engineering drawings for the proposed relocation of the B3191 and the associated access points proposed to understand whether highway safety would not be compromised as a result of the scheme. The Highway Authority also advised that the applicant investigate what scope there was for NMU improvements from the site to local destination areas.

Following further assessment of the additional supporting information, whilst there does not appear to be overriding issues of the proposed relocation of the B3191,

Somerset County Council

County Hall, Taunton
Somerset, TA1 4DY



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there remains elements of the proposal as highlighted by our in house team which firstly, need to be clarified and committed too. Therefore, and in order to move the application forward as efficiently as possible it is advised that a meeting involving the designers and our in house team is set up to discuss the outstanding matters in the expectation of agreeing works that would then be fit to be put forward to members at committee.

The applicant has also put forward minor works offsite to improve non-motorised user accessibility within Watchet, which the Highway Authority welcome and that can be implemented as we see appropriate should consent be granted.

With the above in mind, the Highway Authority will seek discussions in the near future with the relevant representatives of the applicant to discuss the outstanding technical queries for the B3191 and its proposed relocation.

Yours faithfully,

Ben Willmott
Senior Planning Liaison Officer
Economic and Community Infrastructure Operations
Traffic and Transport Development Group
Somerset County Council

Somerset County Council

County Hall, Taunton
Somerset, TA1 4DY



For Roads and Transport services: 0300 123 2224

Planning and Development The Deane House Belvedere Road Taunton Somerset TA1 1HE	please ask for: Ben Willmott	extension: 01823 359540	email: HighwaysDevelopmentControl@somerset.gov.uk
	my reference: WSC/2021/015900	your reference: 3/37/21/012	

FAO: Jeremy Guise

21 October 2021

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS,
FOR THE RESIDENTIAL REDEVELOPMENT OF AGRICULTURAL LAND FOR 136
DWELLINGS WITH THE CREATION OF VEHICULAR ACCESS (CLOSURE OF
EXISTING), PROVISION OF ESTATE ROADS, PATHWAY, PUBLIC RIGHTS OF
WAY, CYCLEWAYS AND OPEN RECREATIONAL SPACE. ALSO, PARTIAL RE-
ALIGNMENT OF PUBLIC HIGHWAY (CLEEVE HILL) (RESUBMISSION OF
3/37/18/015)
APPLICATION REFERENCE: 3/37/21/012**

I refer to the additional information received by the Highway Authority since our previous comments dated on 25 August 2021 in relation to the above planning application and have the following observations on the highway and transportation aspects of this proposal.

Previously, the Highway Authority required further information regarding the proposed relocation of B3191, which had been submitted by the applicant, as denoted in the supporting information. The applicant has since provided additional documents and detail in response to our queries raised including their rationale for the proximity of the proposed access roads to the internal layout.

The Highway Authority are now in a position to be satisfied that the proposed relocation of the B2191 and the associated access points for this application, as

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shown on drawing No: PHL-101 REV D (and the accompanying supporting information) is acceptable in principle. Further detail can be agreed in writing with the Highway Authority at detailed design stage. It should be noted that any retaining wall implemented as part of the scheme along the proposed B3191 is likely to require a commuted sum and will require full details of its intended design for assessment, including but not limited to an Agreement in Principle (AIP).

In the interim since our aforementioned correspondence at the end of August, the LPA has asked the Highway Authority to provide comment on the Transport Appraisal commissioned by Watchet Town Council which questions the applicant's own transport assessment and findings. Having reviewed this document it is not considered that it meaningfully undermines the conclusions of the applicant's TA or gives reason for the Highway Authority to require the applicant to revisit this matter. As such the Highway Authority remain of the view that it would be difficult to object to the proposal for either highway safety or traffic impact reasons.

The Highway Authority will work with the LPA on the appropriate wording detailing how the scheme and all relevant obligations will be delivered. To reiterate, the legal agreement also needs to detail that the applicant/developer accept full responsibility should the existing adopted highway fail as a result of the works associated to the application.

With consideration of previous comments and the latest supporting detail, should the LPA and its members be minded to approve the planning application, then the Highway Authority would seek that the following matters be secured by an appropriate S106 agreement and planning conditions:

S106

- The proposed relocation of the B3191.
 - The associated access points.
 - The extent of the Stopping Up of the existing B3191 arrangement and necessary turning areas for maintenance and access purposes.
- To commit to providing the NMU access improvements pursuant to our recommendations set out in our email to the LPA dated 13 July 2021 (and to

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(also include the route to school plan improvements as generally shown on drawing number 01-SK-101 Rev B).

- A safeguarding obligation for an element of land to the south of the application site, in accordance with the route set out in the 2020 WSP report. Detail to be agreed in writing with the Highway Authority.

Note: No development of the above shall take place until full detailed plans of the above have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to line, level layout, visibility and its means of construction and surface water drainage.

- To provide and implement an appropriate Travel Plan, full detail to be agreed in writing with the Highway Authority and finalised at S106 stage.
- To submit and secure a TRO to extend the existing posted speed limit, to an extent that is compatible with the necessary visibility splays, to be agreed in writing with the Highway Authority. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to commencement of works.

Conditions

1. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
2. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation

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hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

3. During construction the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry, or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained, and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement and thereafter maintained until the construction phase of the site discontinues.
4. Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.
5. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
6. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout,

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levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

NOTE

- *The applicant/developer is advised to contact the Highway Authority at earliest opportunity prior to making a TRO application to agree visibility splays and the extent of the extended speed limit.*
- *The applicant will be required to secure a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.*
- *The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment. Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit our previously submitted comments and re address where deemed necessary. Where planning permission has already been granted, any inaccuracies which come to light may seriously affect the deliverability of the permission. If this includes highway works either on or adjacent to the existing public highway that may be the subject of a specific planning condition and/or legal agreement attached to the aforementioned consent, it may result in a situation whereby that condition and/or legal agreement cannot then be discharged/secured*

Yours faithfully,

Ben Willmott
Senior Planning Liaison Officer
Economic and Community Infrastructure Operations
Traffic and Transport Development Group
Somerset County Council

Somerset County Council

County Hall, Taunton
Somerset, TA1 4DY

For Roads and Transport services: 0300 123 2224



From: Alex Skidmore <ASkidmore@somerset.gov.uk>
Sent: 08 August 2022 12:51
To: Fox, Simon <S.Fox@somersetwestandtaunton.gov.uk>
Subject: RE: Cleeve Hill, Watchet

Dear Simon,

Firstly, my apologies for the delay in responding to you. You have sought clarification on a number of highway related issues concerning the above application to which I respond as follows:

It is first relevant to refer to planning policy and to bear in mind that the application site has been allocated under Policy LT1 of the West Somerset Local Plan as a Key Strategic Development Site. This policy stipulates that:

*“to the west of Watchet at Cleeve Hill, where development must contribute to enhancing the unique historic environment of the town including mitigating the erosion of Daw’s Castle and encouraging visitors to the monument through funding excavations and improvement of the site management, and also **to providing a new alignment for the B3191 to address the impact of coastal erosion.**”*

Given this is an adopted local plan policy that would have gone through rigorous examination by the Planning Inspector before the LP was found to be sound, it is necessary to make this our starting point in terms of what the development is expected to deliver. It has been further understood from your predecessor that the site’s allocation was primarily based on the premise that it would deliver the realignment of the road to protect this route in the longer term from coastal erosion.

The anticipated costings of the proposed highway works have been previously provided to you as being between £6.8 million (without optimum bias) and £9.7 million (with optimum bias). Unfortunately, until further details have been provided relating to the engineering requirements of the road build it is not possible to be more specific as to its likely cost.

For viability reasons you have queried whether the Highway Authority will be meeting some of the costs of the new road. It has always been the assumption that the development would be fully responsible to providing this realignment given the wording of Policy LT1, and the comments we have provided to date have been made based on this assumption.

In view of the viability concerns you’ve outlined, the issue of how the road build is to be funded has been raised internally to ascertain whether the HA might be able to make a contribution to its delivery. Your question of what provisions would be made for the road if it could not be secured either in full or part through this development has also been raised. It is my understanding that an internal meeting is being proposed to discuss these matters however given the impending changes to a Unitary council and the newly elected Councillors it is unclear how long it might be before we get feedback on this matter.

In the meantime, it should be noted that the HA would need to review the application if the LPA were minded to allow the scheme but without the delivery of the realigned road, as our comments to date have been based on the road being provided in its entirety as part of this scheme.

In terms of the non-motorised user (NMU) connectivity of the site, I believe we have previously commented on this. The primary pedestrian connection is anticipated to be along West Street via public right of way WL 30/1. It is acknowledged that the constraints of this route, specifically in terms of its width and gradient, mean that it will not be accessible to all. However, it is the County Council’s opinion that improving this path as far as possible is the best option available for pedestrian access to the site, should the LPA be minded to grant consent.

Following discussions with the applicant and our Rights of Way colleagues the applicant provided a Technical Note (Pedestrian Links) which gives an indication of the level and types of improvements that might be feasible. Whilst further detail will be required at a later stage to agree the exact specifications of the improvements it is considered that an acceptable level of information has now been provided to have an understanding of the likely scale and nature of the improvements, which can in turn be secured through an appropriate legal agreement (S106). It would be the Council's preference that these improvements works be undertaken by the developer. The works would need to be delivered prior to first occupation.

I understand that you raised a number of specific questions to SCC's Rights of Way team in reference to the proposed improvement works, to which they have responded as follows:

- *"Can you confirm that the SCC ROW Team has the necessary consent and power to carry out the works proposed here, subject to a financial contribution offered at paras 4.3 and 5.6? Yes. Not sure of standard s106 clauses, but we will probably seek to have an indemnity in place from the applicant for any claims arising from executing our powers of improvement to the highway (RoW)*
- *What level of financial contribution is to be sought by SCC for the identified works? £30k, although our preference is that the applicant deliver these works.*
- *Do you agree to low-level bollard lighting, or another form of lighting? What is going to be acceptable to you so I can judge merit? Initial view from Highway Lighting is that it is not necessary, but design and audit processes might come to a different view.*
- *Are the works sufficiently detailed to understand exactly what is proposed and therefore to cost? No. Costing is very much ballpark based on similar footway schemes. Might be wise to craft an optional contribution into the s106 in the event that lighting is deemed necessary."*

Due to landownership issues it would not be feasible to deliver improvements to either PROW WL 30/1 or WL 30/2 both of which lead into Whitehall. It would be expected that some provision be made however to allow access from the site into WL 30/2, to allow for maximum connectivity. The details of this could be subject to a condition.

Whilst future residents of the site will be encouraged to use WL 30/1 and West Street as the primary pedestrian route, some NMU's such as cyclists are likely to travel via Cleeve Hill. With this in mind, a reconsideration of the speed limit along West Street, Cleeve Hill and extending through the site to 20 mph may be beneficial. This would require a Traffic Regulation Order (TRO), which would need to be secured through a S106 agreement as part of any permission granted. A scheme of works to control traffic speeds would also need to be considered.

You have previously asked whether the street lighting along Cleeve Hill would need to be reviewed and I confirm that it would. This would be undertaken as part of the S278 technical approval process.

We have previously had a discussion on the comparisons drawn between this site and the Paper Mill scheme in respect of NMU connectivity to the east side of Watchet and specifically the local primary school. It is acknowledged that both schemes experience similar issues, with limited pedestrian crossing facilities over the railway line and South Street / Donniford Road. Due to the scale of the Paper Mill scheme however and the immediacy of the site access on to Brendon Road it is considered that the need to improve these walking routes through this scheme is greater.

Hopefully these comments go some way to answering your queries. I will get back to you again with further clarification once I am in receipt of the conclusions of the internal review for the delivery of the road realignment.

Kind regards

Alex Skidmore
Principal Planning Liaison Officer
Highways Development Management
Economic and Community Infrastructure Operations
Somerset County Council
B2 West
County Hall
Taunton TA1 4DY

Tel: 01823 359540
ASkidmore@somerset.gov.uk
HighwaysDevelopmentControl@somerset.gov.uk

From: Fox, Simon
Sent: 01 April 2022 16:34
To: Highways Development Control <HighwaysDevelopmentControl@somerset.gov.uk>
Subject: RECONSULTATION: Cleeve Hill, Watchet - 3/37/21/012

Good Afternoon,

Please register this as a formal consultation on additional information received from the applicant.

I would be grateful for comments on the attached document specifically whether in the opinion of the Transport Authority the proposal (now informed by this technical note) provides suitable pedestrian connections for all users, to the town centre and to the primary school (with specific comment on the awp plan 'safe routes to school' in particular the transition over the railway line, via the Swain Street road bridge, station footbridge, and at-grade level crossing off Harbour Road).

In doing so would you kindly compare and contrast with the Paper Mill site which currently has a Transport Authority objection on these same grounds.

It is also worth noting the Local Plan allocation is actually larger than the application site as currently proposed. This effectively cuts off any potential linkage to Whitehall.

If it is concluded that the scheme described in the technical note does not in itself or in combination with the wider scheme provide sufficient means of pedestrian connectivity for all users then could you outline any impacts this will have on car use from the site -

- a) on Cleeve Hill/West Street on those pedestrians who do use the fragmented footway route into the town centre;
- b) on the narrow sections within Market Street/Swain Street;
- c) any pedestrians using Brendon Rd, including any from the prospective Paper Mill development;
- d) traffic impacts in and around Liddymore Road and Primary School;
- e) traffic impacts at the North Street/Long Street/Fore Street junction in Williton;
- f) whether any bus route serving Watchet provides a viable alternative given the above; and therefore .
- g) the ability for a Travel Plan to have any positive impact on modal shift.

Are there alternative footway schemes that the applicant could explore, in your opinion?

Paras 110-113 of the NNPF are relevant and your considered thoughts with respect to these particular paragraphs would be appreciated. For example Is the Transport Authority satisfied that the development provides “safe and suitable access to the site can be achieved for all users” para 110). Para 111 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. Does this scheme in tandem with those approved in Watchet at Easy Quay, Donniford and Liddymore and proposed via the Paper Mill and planned at Parsonage Farm plus the current baseline traffic impacts not in the Transport Authorities opinion create a severe impact? Or gain via para 110 can any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree?

Watchet Town Council would also appreciate acknowledgement and assessment of its own commissioned Technical Noted ‘the Environ Report’, dated September 2021. There several alleged deficiencies with the applicants TA that the report highlights, what is your view? Part 1 of the Traffic Assessment (Appendix A) refers to a letter dated 10.10.2018 from West Somerset Council to Hydrock that raised a number of issues in relation to the traffic assessment. In particular WSC asked: “Following the results of the revised assessment, the impact to the local highway network needs to be considered (e.g. friction of movement/delay through the centre of Watchet) as advised during pre-application engagement. It would be of benefit to also assess the Swain St/South Road junction which has not been considered.” Has this now be satisfactorily addressed?

It has been pointed out to the LPA that Section 2.8 of the traffic assessment report, reference Hydrock Ref: R/C-06288-C/TA/001, indicates that only ONE PIA incident occurred between 2014 and 2016. Following a review (by the public) of the recorded road traffic collisions over the same area previously analysed established from www.crashmap.co.uk for 2018, 2019 and 2020, it is noted that 4 PIA incident have occurred. The member of the public opines this increase of PIA incidents located in the narrow street of Watchet demonstrate the difficulty drivers are encountering when driving through Watchet. The Environ Report also provides commentary. What is your assessment?

As you know, the application was previously refused on the poor pedestrian connectivity proposed by the scheme and the passage of pedestrians and the movement of cars has dominated. I would be grateful for some specific commentary on cycling please.

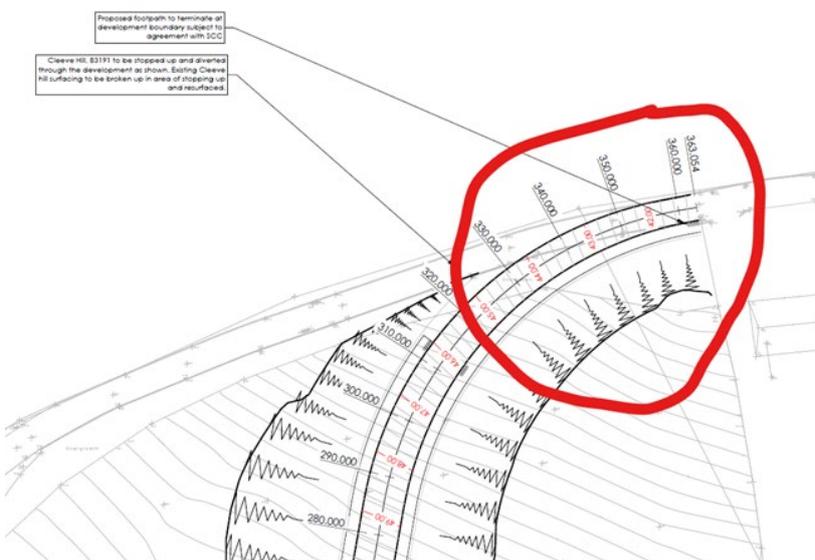
I would be grateful for Transport Authority comment on the coverage of streetlighting between the north-eastern tip of the site boundary along Cleeve Hill/Saxon Close/West Street and the town centre and a comment on lighting proposals set out in the technical note. Could it be clarified whether streetlighting will be expected on the new aligned section of the B1391 and internal estate roads? In the case of the former could you state what height those columns would need to be?

In terms of the road, could the Transport Authority disclose any information they have regarding the informed cost of the realigned section and confirm the likely bond cost that would form part of a s106? Could the Transport Authority also comment on whether it would accept a s106 agreement that secured an ‘up to’ max financial contribution whereby if final costs exceeded this amount then the Transport Authority would provide the additional funding? Could the Transport Authority also confirm

what Plan B is if this application is refused again and is dismissed at appeal? At what point is the last point the Transport Authority would intervene with a different solution? It is vital this is explained fully so it can be considered in the planning balance.

What is the Transport Authority's response to a 'Do Nothing scenario', whereby the sea reclaims the strategic B-road and what implications does this have on the network management in general in this area? Where do impacts start presenting themselves? You will be aware of the B3191 Watchet to Blue Anchor Report for SCC by WSP, it would be useful for me to speak with the officer with ownership of this matter as soon as possible. The question remains where the remainder of the Option 1D project lies, given the works to the upper slopes and provision of revetment protection to the lower slope appears to be integral to the realignment of the road.

This is important because as an observation, the road, even when realigned, will still be very close to the cliff edge (see extracts below) and whether in your opinion this still creates a vulnerability to the whole project if those cliff protections measures are not carried out in tandem? I would appreciate your view on this?





Referring back to the Local Plan allocation, what information did the Transport Authority present to the LPA in order for the applicant to now claim that all transport matters will have been considered by the Local Plan Inspector? Did the Transport Authority make any comment relating to traffic issues in the town centre or pedestrian connectivity?

With regards and anticipation, Simon

Simon Fox | Major Projects Officer (Planning) | Somerset West and Taunton Council | Deane House | Belvedere Road | Taunton | TA1 1HE
Direct Dial: 07392 316159 | Switchboard: 0300 304 8000 | Email: s.fox@somersetwestandtaunton.gov.uk | Website: www.somersetwestandtaunton.gov.uk

APPENDIX -

3) Previous application Committee Report and Minutes – 16 July 2020

Application No:	3/37/18/015
Parish	Watchet
Application Type	Outline Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	
Applicant	Cleeve Hill Development
Proposal	Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).
Location	Land at, Cleeve Hill, Watchet, TA23 0BN
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule
(A4) Red Line Plan (license number 100023932)
(A3) 1706 Site Cross Sections
(A1) 06288-HYD-XX-XX-DR-TP-0101 Rev P02 Proposed Highway Improvements

Technical Note 06288 Rev P02 (22 October 2019) HYDROCK
(A4) DrNo: 15.04.2020a Watchet Proposed Road Layouts (grey hatch)
(A4) DrNo: 15.04.2020b Watchet Proposed Road Layouts (grey lines)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding submitted documents from Hydrock CLE-HYD-PH1-XX-RP-D-5001-S2-P1 and Technical Design Note 06288-HYD-XX-XX -RP-D-5100 prior to the commencement of the development hereby permitted, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

The surface water management and disposal strategy shall use surface based attenuation features, not underground storage, and shall follow Sustainable Urban Drainage System (SuDS) principles, unless otherwise agreed in writing by the local planning authority,

Reason: To prevent discharge into nearby water courses and to ensure the adequate provision of drainage infrastructure.

- 5 Prior to development commencing, details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/ bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture and a timetable for their implementation shall be submitted to and approved by the Local Planning Authority. For this purpose, details should include, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction as appropriate.

Reason: In the interests of highway and pedestrian safety

- 6 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety

- 7 No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- o Construction vehicle movements;
 - o Construction operation hours;
 - o Construction vehicular routes to and from site;
 - o Construction delivery hours;
 - o Expected number of construction vehicles per day;

- o Car parking for contractors;
- o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- o A scheme to encourage the use of Public Transport amongst contractors; and
- o Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and amenity

- 8 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown environmental's Preliminary Ecological appraisal dated March 2016, Blackdown environmental's Survey report dated December 2016 and SW Ecology's Ecological assessment dated January 2018 and an up to date badger survey and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for dormice, reptiles, bats and birds
 4. Lighting details
 5. A Construction and environmental management plan (CEMP)
 6. A Landscape and environmental management plan (LEMP)

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, dormice, reptiles and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat, dormice and bird boxes and reptile refugia and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Prior to commencement reason: Groundworks could impact on protected species therefore the protective measures and associated methods for ecological mitigation and harm reduction must be in place before any works commence.

- 9 No works shall be undertaken on site until the Local Planning Authority has first approved in writing details of a programme of access which will be afforded to a named archaeologist to observe and record all ground disturbance during construction (such works to include any geological trial pits, foundations and service trenches). The named archaeologist shall thereafter be allowed access in accordance with the details so approved.

Reason: To enable the remains of archaeological interest which may exist

within the site to be appropriately recorded.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests.

- 10 A geo-technical report from a suitably qualified structural engineer, geotechnical engineer, geophysicist or geologist in regards to the proposed development, methods of providing foundations, cut and fill operations, and the specifics of ground conditions and land stability at the site, including the results of intrusive ground investigations, shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of details for the 'reserved matters' specified by condition (1). The report shall include details of any proposed tree removal (if applicable) and any works which could impact on root systems, and any proposed drainage arrangements such as soakaways and surface attenuation features, which could impact upon land stability. The agreed foundation details shall be implemented in accordance with the approved methodology during the construction phase of the development hereby approved in outline form.

Reason: To ensure that the development hereby approved in outline form does not contribute to land instability, subsidence or slope instability and to safeguard the amenities and wellbeing of the occupiers of nearby properties, in accordance with Policy NH9 of the adopted West Somerset Local Plan up to 2032, and national planning policy guidance on 'Land Stability', issued by the MHCLG (DCLG at the time of the initial issue) on 6 March 2014 and updated 22 July 2019.

- 11 As part of the submission of details pursuant to condition 1 of this permission visualisations illustrating the indicative heights of proposed buildings shown in Viewpoint 1 of the Landscape and Visual Capacity Appraisal (Swan Paul, February 2016: SPP/1996/doc.1) shall be submitted to the Local Planning Authority. These should be supplemented by indicative visualisations illustrating the level of mitigation offered by the proposed landscape buffer and associated planting, and relationship to designated heritage assets, notably to Daws Castle.

Reason:

To safeguard the setting of designated heritage assets and in accordance with paragraphs 190, 192, 193 and 194 of the NPPF, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies NH1 and NH2 of the adopted West Somerset Local Plan to 2032

- 12 As part of the details required for 'reserved matters' noted in condition 1 of this permission a survey of the current state of coastal erosion and extant cliff line shall be undertaken no more than two calendar months prior to the submission of details pursuant to condition 1 to the local planning authority. Details of the survey and accompanying plan/s shall be submitted to the local planning authority with details pursuant to condition 1 of this permission and shall demonstrate that no residential development will take place within 50 metres of the extant cliff line, at the date of the survey.

Reason:

In the interests of good planning and in accordance with policy NH9 of the adopted West Somerset Local Plan to 2032. To ensure that if there are significant cliff falls or instances of major coastal erosion between the date that this permission is granted and the date of submission of any subsequent reserved matters application then development would be required to be moved further back into the site and away from at-risk cliff edges.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application issues/concerns were raised. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 2 The condition relating to wildlife requires the submission of information to protect wildlife. The Local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

- 3 The development hereby permitted shall not be first occupied until the developer has applied for a Traffic Regulation Order (TRO) to relocate the existing 30mph speed limit. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation.

Proposal

Outline application with all matters reserved, except for appearance, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).

Site Description

Large open pasture field located near to cliffs and south of B3191 road located on the outskirts of Watchet. Land is sloping away from road. Existing footpaths cross the site and located in close proximity.

Relevant Planning History

none

Consultation Responses

Watchet Town Council - deferred comments (26/6/2018) no further comments received

Environment Agency - no comments received

Wessex Water Authority - to be verbally updated

Parrett Drainage Board - no comments received

Somerset Drainage Board Consortium - outside of the SDBC area so will not be making comments

South West Heritage Trust - no comments received

Highways Development Control - I refer to the additional information in support of the above application, received by the Highway Authority on 1 November 2019 and have the following observations for the highway and transportation aspects of this proposal. For clarity, it has been confirmed that the outline application is all matters reserved except for access.

The applicant has provided additional information in response to the original comments made by the Highway Authority. This additional information has been assessed by the Highway Authority, where for clarity and consistency our comments have been divided into each respective element of the application previously reviewed dated 10 October 2018.

Transport Assessment

The Highway Authority accept that resubmitted detail provides a more accurate representation of the likely number of vehicle movements the proposal site would generate in the peak hours. Whilst the calculated figures may still be slightly less than what is anticipated, it would be difficult to sustain an objection based on residual cumulative impact on the local highway network for this application.

Road Relocation

The proposed relocation of the B3191 has been revised and altered and as such the location of the proposed site access has changed. Given the sensitivity of the existing B3191 at this location, the principle of what has now been proposed is acceptable however there are still technical issues that would require overcoming at the detailed design stage moving forward. Full details of the proposed access arrangements and frontage works will also need to be submitted to and agreed in writing in conjunction with the LPA and appropriately secured.

With the above in mind, the applicant will be required to enter into a suitable legal agreement and accept full responsibility should the existing adopted highway fail.

Internal Layout

The current application is out outline stage with all matters reserved except for access (following clarification) and at present there is no detail on how the internal layout may be constructed at this stage. The applicant should be mindful of our previous comments dated 10 October 2018 prior the submission of any reserved matters application subject to outline consent being granted where it would be expected that non-motorised users access into other areas of Watchet would be upgraded appropriately at the developer's expense.

Vehicle, cycle, motorcycle and electric vehicle charging points (EVCs) should be in line with the Somerset Parking Standard.

Travel Plan

A suitable Travel Plan (TP) has yet to be submitted and approved by the Highway Authority. To reiterate a suitable TP will need to be secured through a S106 and delivered appropriately.

Drainage

Given the limited detail provided for the revised scheme, the applicant will need to be mindful of the existing drainage infrastructure. The new proposal must not compromise any of the existing arrangements or rights of discharge.

Full details will be required for the existing drainage and services and how the proposed drainage arrangement will work in harmony with the existing drainage arrangements.

Conclusion

On balance of the above, the principle of the road relocation is acceptable in this instance, subject to agreeing the detail at the detailed design stage. If the LPA were minded to approve the application, it is recommended that the necessary highway works, and a suitable TP are secured through a S106 prior to first occupation. A

number of conditions are requested.

Avon & Somerset Police - does not object, offered comments noting layout is open and enables good residential surveillance, dwelling overlooking street, that curtilage boundaries to the front are kept below 1m height, car-parking scheme is acceptable and referenced Building Regulations for SBD, lighting and security of dwellings
Rights of Way Protection Officer - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that crosses the site at the present time (public footpath WL 30/1) and another PROW which runs adjacent to the site (public footpath WL 30/2). In addition, the England Coast Path National Trail runs adjacent to the north-west edge of the site. I have attached a plan for your information.

We have no objections to the proposal, but the following should be considered:

1. Specific Comments

With regard to the footpaths WL 30/1 and WL 30/2: we require a £10,000 contribution for potential future improvements to them due to the potential for additional use of the paths and greater expectation as to the quality of the paths. Any unused balance to be refundable 10 years after completion of the site, all to be secured by legal agreement. The link path shown connecting to WL 30/2 may require the consent of a third party if the land is not in the control of the applicant. The Council would be supportive of such a link provided the connecting estate roads are formally adopted. If this is the case then the connection to the footpath should form part of

any planning approval wherever possible.

England Coast Path (ECP) National Trail: The England Coast Path National Trail follows the existing B3191 Cleeve Hill on the north side of the road, leaving the road near the top of the hill before the left hand bend to continue along the cliff top.

The England Coast Path (ECP) came about as a result of the Marine and Coastal Access Act 2009 (MCA09) and the route of the ECP in Somerset has been determined by the Secretary of State who says in his report "In addition, the West Somerset Local Plan to 2032 (Revised Draft Preferred Strategy, June 2013) identifies a site to the west of Watchet at Cleeve Hill for longer term strategic development. The site also offers the potential to re-align the B3191 where coastal erosion is threatening to destroy the current alignment of the road.

As and when the development takes place, or if the B3191 is re-aligned, we expect that Somerset County Council will work constructively with West Somerset Council and developers with the aim of ensuring that any development takes account of coastal access in an appropriate way with a view to establishing a suitable off road route for the coastal trail".

It would appear from the drawings that the alignment of the B3191 is to move further south with footways (pavements) on the north and south sides of the carriageway. If this is the case and, subject to the approval of the road layout by Highways colleagues, we would like to re-align the route of the ECP onto the northern footway. There also appears to be a landscaped public parkland area to

the north of the new road alignment which lends itself to the coastal margin (also required by the MCA09 which deems that any land seaward of the Trail is coastal margin-subject to some exceptions).

This is our initial view and further details of the scheme would be welcomed as would the opportunity to work with the planners and developers in the early stages of this proposal to secure the most effective route for the Coast Path and to discuss the practicalities of implementing the new route e.g. any new gates or signage which may be required.

The re-alignment of the Coast Path requires that Natural England submit a variation report to the Secretary of State for the new route to be legally defined and incorporated into the National Trail.

2. General Comments

Any proposed works must not encroach on to the width of the PROW & ECP.

The health and safety of the public using the PROW & ECP must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW/ECP resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way

Group:

- A PROW/ECP being made less convenient for continued public use.
- New furniture being needed along a PROW/ECP.
- Changes to the surface of a PROW/ECP being needed.
- Changes to the existing drainage arrangements associated with the PROW/ECP.

If the work involved in carrying out this proposed development would:

- make a PROW/ECP less convenient for continued public use; or
- create a hazard to users of a PROW/ECP,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rightsof-way/apply-for-a-tem>

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Somerset Wildlife Trust - no comments received

Housing Enabling Officer - agreed to review of viability assessment, further comment once viability report has been submitted and assessed, may require independent assessment of viability report through District Valuer or Three Dragons

Planning Policy - no objections, acknowledged that site is allocated and do not consider that the proposal is 'premature'

Fire Safety - Noted that means of escape should comply with Building Regulations 2000 Approved Document B(ADB) and there should be full compliance with ADB, part 5 of the Building Regulations 2000

SCC - Estates - Following evidence from our School organisation plan I have the following observations on the Education implications of this proposal:-

A development of this size (136 dwellings) would generate the following number of school places:

$5/100 \times 136 = 6.8$ (7) pre school

$30/210 \times 136 = 19.4$ (20) First school

$30/263 \times 136 = 15.5$ (16) Middle school

$30/346 \times 136 = 11.7$ (12) Upper school

The price per pupil for each education type is as follows:

Early years & First School = £14,702.15

Middle school = £18,426.65

Upper school = £22,153.26

Therefore :

$27 \times 14,702.15 =$ £396,958 for early years and first school

$16 \times 18,426.65 =$ £294,826 for the middle school

$12 \times 22,153.26 =$ £265,839.12 for the upper school

These education contributions would be used to improve facilities at the schools to enable them to accept higher numbers of pupils.

Somerset Wildlife Trust - landscape ecologist - no comments received

Biodiversity and Landscaping Officer - The site lies on a relatively exposed and elevated site to the west of Watchet and is currently intensively grazed.

A LVIA was submitted in support of the application, the finding of which I generally support. However I would consider the landscape value of the site to be above, not just average because of its coastal scenic value with views to Watchet harbour, its proximity to the Scheduled ancient monument of Daws castle and adjacent lime kilns and due to the site's proximity to several sites designated for their nature conservation value.

Indeed because of this proximity, the eastern side part of the site, is likely to be a valuable stepping stone in the landscape for wildlife.

As stated a large part of the site is very prominent within the landscape, particularly from more distant locations. Other constraints include its gradient, proximity to the SAM and the botanical interest in the herb rich grassland in the eastern part of the site.

These constraints make it a difficult site to develop and so any masterplan must pay

careful attention to the placing and density of dwellings. The submitted layout does not appear to have satisfactorily addressed these constraints.

I consider that all the scrub area and hedgerows should be retained to help filter views of the development from the east.

The realignment of the coastal road, although it will have practical benefits will have localised landscape impact changing the sunken character of this section of the coastal road

Biodiversity

Blackdown Environmental carried out a Preliminary ecological assessment of the site in March 2016. Surveys for bat species, dormice and reptile species in addition to an updated grassland survey were undertaken in the period May to October 2016. An Ecological survey report was produced in December 2016.

At the time of survey the layout of the proposal was uncertain so a lot of recommendations in the earlier ecology reports are generic. An Ecological assessment was carried out by SW Ecology in January 2018.

Findings were as follows

Protected Sites

The site is not within a statutory site designated for nature conservation interest but there are two statutory designated sites within 2km of the site (Cleeve Hill SSSI located approximately 500m southwest of the site and Blue Anchor and Lilstock Coast SSSI located to the north of the B3191.)

The Cleeve Hill SSSI is designated for its unimproved calcareous grassland whilst Blue Anchor to Lilstock coastline SSSI is designated for its geological features.

The survey site lies within the Site of Special Scientific Interest (SSSI) Impact Risk Zones (IRZs) of these two designated sites. Where development of a certain type/ threshold is proposed, the Local Planning Authority will be required to consult with Natural England over potential risks to these sites.

Types of development where Natural England will be required to be consulted include any residential development of 100 units or more, or any residential development of 50 or more houses outside of existing settlements/ urban areas.

In addition there are thirteen non-statutory designated sites within 2km of the site, all Local Wildlife Sites (LWSs).

The closest sites include Minster Field Road Verge LWS located immediately to the west of the survey site, Tuck's Brake LWS located immediately south of the site and Daws Castle LWS located approximately 40m west of the site on the opposite side of the B3191.

Grassland

The updated grassland survey identified areas of species-rich grassland at the northern and north-eastern ends of the site. Botanical species identified within these areas include pyramidal orchid, a county notable species which is generally associated with unimproved soils in short grasslands. This was confirmed by a site

visit by myself in June 2018

I agree with the reports recommendation that layout of the proposal should incorporate areas of species-rich grassland within areas of landscaping and public open space. This may be achieved by retaining and enhancing existing areas of species-rich grassland or creation of species-rich grassland within non-developed buffer zones. Species-rich grasslands will provide suitable habitat for a variety of plant, invertebrate, reptile and bird species.

Hedgerows and scrub

Hedgerows on site vary in their condition (i.e. intactness) and species richness. I agree that hedgerows should be retained and enhanced but a section of hedgerow will need to be removed to provide the new access to the site.

The main area of scrub habitat on site forms a significant linear vegetated feature along part of the southern boundary of the site. The scrub forms a natural barrier between the site and steep grasslands to the south (including parts of Tucks Break LWS). I would like to see this habitat retained incorporated into design proposals to form both a buffer between the site and the Tuck's Brake LWS, and retain and enhance a vegetated 'corridor' which will facilitate movement of species along the southern boundary of the site.

Bats

There were no structures (e.g. buildings) or trees within the site which had potential to support roosting bats.

I agree that there are opportunities to incorporate new roosting opportunities within proposed dwellings on site.

Three walked transect surveys were carried out when at least four bat species were recorded (common pipistrelle, noctule, Leisler's and serotine). The automated static bat detector also recorded soprano pipistrelle, greater horseshoe and lesser horseshoe.

The site is therefore considered likely to be used by bat species whilst foraging and commuting, with habitats including hedgerows and dense scrub of greatest potential value to bat species. Residential development has potential to result in a loss of habitats used by bat species for foraging.

Artificial illumination associated with residential development (e.g. street lighting) also has potential to deter bat species from using areas of the site. To mitigate the potentially negative impacts of artificial lighting, a sensitive lighting plan will need to be designed and implemented.

Dormice

An adult dormouse and a further three dormouse nests were identified within nest tubes during surveys undertaken between May and October 2016.

Evidence of dormice was identified towards the eastern end of the site within dense scrub.

The removal of vegetation will impact on dormice so an EPS licence from Natural

England will be required to develop the site.

Badger

Mammal burrows characteristic of badger sett entrances and collapsed tunnels were initially identified along the southern boundary of the site but these did not appear to be in current use by badgers at the time of survey

Badgers may re-use abandoned setts (or create new setts within their territories) and so I agree that surveys to assess whether setts on site are in current use (and to identify any newly created setts) should be carried out pre-commencement (within 6-8 weeks) of any construction works

Birds

Hedgerows and areas of dense scrub have potential to be used by a variety of bird species. The site is considered to have negligible potential to support ground nesting birds such as Skylark due to the intensively managed grass sward and continuous presence of livestock.

I agree that any works which have potential to harm nesting birds, be undertaken outside of the main bird nesting season (1st March to end of September).

There are also significant opportunities for designing new nesting opportunities for bird species in the new development.

Reptiles

The majority of the site comprises an intensively grazed short sward which is unsuitable to support reptile species however there were areas of rank field margins and clearings within areas of dense scrub which had reptile potential.

A reptile survey was undertaken involving seven survey visits. Slow worms were recorded on six of the visits, with a recorded maximum on any visit totalling twenty-two individuals. . The majority of slow worms recorded were identified at the far eastern end of the site. Adult females, adult males and sub adult slow worms were observed, indicating a likely breeding population.

To develop the site the reptiles will need to be translocated to a receptor site

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown environmental's Preliminary Ecological appraisal dated march 2016, Blackdown environmental's Survey report dated December 2016 and SW Ecology's Ecological assessment dated January 2018 and an up to date badger survey and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest

for dormice, reptiles, bats and birds

4. Lighting details

5. A Construction and environmental management plan (CEMP)

6. A Landscape and environmental management plan (LEMP)

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, dormice, reptiles and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat, dormice and bird boxes and reptile refugia and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

The condition relating to wildlife requires the submission of information to protect wildlife. The Local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

West Somerset Railway - no comments received

Natural England - does not object, note that site is close to two SSSI sites, Blue Anchor to Lilstock Coast SSSI and Cleeve Hill SSSI but do not considered it likely that there would be significant impacts on these sites. Advise that habitats around the site are protected and enhanced

NHS England - no comments recieved

South West Heritage Trust - no comments received

SWT Play and Open Space

Play and Open Spaces

West Somerset Local Plan POLICY CF1 requires the appropriate provision of

formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development.

The West Somerset Council Play Providers Audit (2008) found that there are distinct gaps in the amount of designated play spaces in West Somerset. The audit also highlighted that the overall quality of designated play spaces is only considered 'fair'. It is recommended that as this development will increase local need for play space this development provide some additional open space on the site.

The Council recommends the following standard of provision:

Children's play space: 20 square metres per family dwelling (a dwelling with 2 or more bedrooms) to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;

In this proposed development of 133 dwellings, the proposal is for 125 dwellings to be 2bed+. Therefore the amount of space required is calculated to be 2,660 square meters.

Any commuted sum for offsite children's play contribution should be calculated as £3328.00 per each 2 bed + dwelling. The contribution will be index linked and spent on additional play equipment.

Play areas are both non-equipped, casual play spaces, and equipped, LEAPS and NEAPS. On site play areas should be centrally located and overlooked by front facing dwellings to promote natural surveillance.

For equipped areas:

LEAPs for children aged between 4-8 years should be included and be a minimum of 400 square meters in size with at least 5 types of equipment, covering all play disciplines of swinging, sliding, rocking, spinning, balancing and climbing.

Equipment must be on appropriate surfaces, and signage, seating and litter bins should be

provided. The equipment should come with a minimum 15 year guarantee. The play areas need to be within 400 meters walking distance of their home and be accessible and useable 365 days of the year. If fenced there should be 2 x outward opening, self-closing pedestrian gates and a larger gate for access by maintenance vehicles

NEAPs should be provided for children primarily aged 8 to adult. NEAPs must be at least 1,000 square metres in size, and preferably at least 2,000 square metres, excluding any buffer zone needed to prevent noise problems. There should be a minimum of 8 types of play equipment providing challenge and enjoyment. There should also be a 'kickabout' area or provision for wheeled play opportunities (such as for skateboards, roller skating or bicycles). The inclusion of a LEAP within a NEAP is supported.

All areas of child play space (casual areas, LEAPS and NEAPS) must be located and designed so as not to cause noise problems to nearby dwellings, in accordance with relevant environmental health standards. Buffer zones, perhaps including roads, buildings and landscaping, are likely to be needed. The buffer zone provided on this site is a area of bramble and small trees.

As the public open space is to be provided as part of a development, conditions will be imposed requiring the developer to arrange for its future maintenance. The developer may negotiate a commuted sum to discharge this liability to the Local Authority District or Parish Council.

SWT Affordable Housing

In order to be Policy Compliant, there is a requirement for a minimum of 35% of the

dwellings delivered to be in the form of affordable homes. For a scheme of 133 dwellings, this would equate to 47 affordable homes to be provided on site.

The type and size of the affordable housing units to be provided should fully reflect the distribution of property types and sizes in the overall development. A broad mix of tenures to meet assessed local housing need should be provided. This should comprise a mix of Shared Ownership, Discounted Open Market sale and rented housing offered at social rent levels.

If there are viability implications, full details will need to be submitted and independently assessed.

Up to date figures from Homefinder Somerset indicate a high local need for affordable housing in both the Somerset West and Taunton Council area and in Watchet. There is currently a total of 165 households registered as in housing need in Watchet. The need is for predominantly 1 and 2 bedroom rented properties with a smaller requirement for 3 and 4 rented bedroom properties. The required housing mix for the affordable homes should reflect this identified need. On this basis the following mix is required

- 45% 1b2p
- 30% 2b4p
- 20% 3b 5/6p
- 5% 4b6p

We would seek any 1b2p dwellings to be in the form of maisonette style properties with their own access and garden area. The shared ownership should be in the form of 2b4p and 3b5/6p houses.

The affordable homes should be integral to the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

The developer should seek to provide the Housing Association tied units from West Somerset and Taunton's preferred affordable housing development partners list.

Historic England - Noted the designated heritage assets in the vicinity of the development, Daws Castle (SM33712; NHLE 1020882), a scheduled ancient monument; 3no. grade II listed lime kilns (NHLE1180302) to the NE of the site, and Watchet Conservation Area, and states that SWHT and SWT's heritage buildings officer should be referred to for advice. In terms of impacts of the proposed development HE have said that the development will, in their opinion impact on heritage significance and that the LPA should assess impacts inline with the NPPF 190/194B. Further HE considered that the submitted information was not sufficient to fully evaluate visual impacts, and recommended that further indicative visualisations showing heights and plantings/landscaping works are submitted.

They welcomed provisions for interpretation investigation and enhancement at the site. HE expressed concerns although have not recommended refusal of the application

Representations Received

councillor Woods - Watchet ward WSC - will keep an open mind and would like to attend committee

One neutral comment, noted that Watchet requires further infrastructure;

One letter of support, noting that the area is unsightly, the road near the site needs improvements and the proposal would help providing housing

58 households sent in letters of objection, several sent in more than one letter, the issues raised were:

- Traffic impacts
- Infrastructure and services such as GP surgeries and schools
- Land instability
- Loss of farmland
- Drainage and flooding issues
- Lack of local jobs
- Loss of privacy
- Sea wall could be affected by drilling
- Light pollution
- Noise
- Increases in risks of landslides
- Detrimental to health and wellbeing
- Roads are too narrow in Watchet for increase in traffic
- The proposal does not comply with policy
- The ecology report is out of date
- Blue Anchor road is under threat due to coastal erosion so any changes to roads at site are pointless
- Distance to town facilities and steepness of hill means people will not walk or cycle and will drive adding to traffic congestion
- Impacts on existing utilities such as broadband and fresh water pressure
- No affordable housing
- No provision for refuse collection
- Impacts on views
- Geological fault-line and potential for earthquakes
- There are other residential developments in Watchet so it is not needed
- The development will negatively impact on tourism
- It will restrict light to Lorna Doone estate

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

LT1	Post 2026 key strategic development sites.
SC4	Affordable Housing
SC2	Housing Provision
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CC3	Coastal Change Management Area
CC4	Coastal Zone Protection
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH9	Pollution, contaminated land and land instability

Retained saved policies of the West Somerset Local Plan (2006)

LT1	Post 2026 key strategic development sites.
SC4	Affordable Housing
SC2	Housing Provision
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CC3	Coastal Change Management Area
CC4	Coastal Zone Protection
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH9	Pollution, contaminated land and land instability

Local finance considerations

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Somerset West and Taunton	£1079 (per dwelling) x 136 = £146,744
Somerset County Council	£270 (per dwelling) x 136 = £36,720

6 Year Payment

Somerset West and Taunton	£6474 (per dwelling) x 136 = £880,464
Somerset County Council	£1619 (per dwelling) x 136 = £220,184

Determining issues and considerations

The main issues are:

Principle of development; affordable housing and viability; roads, cycleways and access; PROW; coastal erosion and land stability; ecology; landscape and visual impacts; heritage; drainage, surface and foul water management; legal agreements and off/onsite contributions; and reserved matters

Principle of development

This application is in outline form and is for the development of up to 136no. dwellings and includes works to the highway to facilitate a re-alignment (or re-location) of the existing B3191 public highway, which borders the site to the north. The site is located very close to the Bristol Channel coast and is on sloping ground, with cliffs to the northern side of the B3191 and several designated heritage assets including a Scheduled Ancient Monument

The proposed development is at a site on the edge of Watchet and has been allocated for longer-term strategic development through policy LT1, which identifies two sites (this one and another in the Minehead area) and requires that:

“Within the two areas identified for longer-term strategic development.....

- to the west of Watchet at Cleeve Hill, where development must contribute to enhancing the unique historic environment of the town including mitigating the erosion of Daw's Castle and encouraging visitors to the monument through funding excavations and improvement of site management, and also to providing a new alignment for the B3191 to address the impact of coastal erosion,
- proposals for the Watchet site must sustain and, where appropriate, enhance the historic assets of Daw's castle and the adjacent lime kilns and their

settings.

development of both of these sites would be guided by the provision of indicative masterplans”

The proposal is for 136no. dwellings (affordable housing and viability issues are discussed below) with relocation or re-alignment of the B3191. The initial proposal has been subject to significant amendments due to the proximity of the cliff-face to the B3191 and coastal erosion which has necessitated providing an alternative route through the proposed development site for road traffic, as the existing B road could not be safely re-aligned. It is on the basis of the revisions to the proposal that this report has been prepared.

In terms of the principle of development the site is allocated for medium-scale residential development in the adopted West Somerset Local Plan to 2032 via policy LT1. Whilst LT1 envisaged that the two sites would come forward in the latter part of the plan period from 2026 to 2032 it is not considered to be a dis-benefit to bring the Watchet site forward early as there are benefits in terms of the revised road proposals from developing the site earlier than was stated in the policy. The proposal is not considered to be a departure from the Local Plan in this regard.

As the proposal is outline in form although includes estate and other roads, cycleways, re-alignment of the B3191, pathways, works to the existing right of way and open space provision within the site, with all other matters reserved except for access and the road issues, and assessment is made on the basis of indicative plans. The initial proposal would have involved works to change the coastal path alongside re-alignment of the highway however after negotiations to change the approach to road issues the B3191 will not be re-aligned so the existing coastal path will not be directly impacted by the development, there are however other issues related to public footpaths which are routed through or near to the site which are discussed below.

Aside from policy LT1 other relevant policies includes SC4 Affordable Housing, TR1 and TR2 (sustainable transport etc), CC3 and CC4 (coastal erosion and management) and NH1 and NH2 (heritage management).

Affordable housing and viability

Local Plan policy SC4 requires that on residential developments of 11 or more dwellings that 35% are provided onsite as affordable. However the development includes the provision of essential infrastructure in terms of the relocation of the clifftop B road through the site which it is acknowledged adds significant costs to the proposal.

The agent has submitted a viability assessment from Vickery Holman Associates which was initially flawed in certain respects as it used former TDBC Core Strategy policies as the baseline figure to calculate percentages of affordable housing provision, not the relevant West Somerset Local Plan policies, there were also other issues with the first draft of the viability report. This has subsequently been amended and the provisionally agreed by the LPA's housing enabling officer subject to a final

assessment by independent valuers Three Dragons. Provided that Three Dragons are in agreement with the costings and calculations contained within it the LPA are satisfied that a reduced level of affordable housing provision is justified and warranted. The final percentage achievable after due consideration of the viability report will be given in a verbal update at committee

Roads and access

The initial proposal would have included realignment of the B3191 which runs out of Watchet and is extremely close to the cliff edge in parts. Due to coastal erosion this road is deemed unsafe and land stability is constantly monitored with the road subject to regular closures. The proposal has been revised to site the road through the development which should ensure far more long-term usability and meets policy requirements for improvements to this route. The highways authority have agreed with the revisions subject to conditions.

Public Rights of Way (PROW)

The site has one PROW traversing through it, a second adjacent to it and the England Coastal Path outside of it close to the cliff edge. The PROW officer has not objected to the proposal but requires a (refundable) £10,000 deposit in respect of the potential for any works to impact onto the existing right of way through the site. This will be secured via the section 106 agreement.

Ecology

The application includes a Preliminary Ecological assessment from Blackdown Environmental dated March 2016 with further surveying work conducted in December 2016. The County ecologist noted that the site is in relatively close proximity to two designated areas, the Cleeve Hill SSSI and the Blue Anchor and Lilstock SSSI. The ecologist has raised no objections but has requested conditions and an informative. The ecologist further noted that dormice, which are a European Protected Species are present and that the LPA must be satisfied that derogation from the Habitats Directive is justified and the developers must obtain a license for translocation of all protected species. Natural England have also not objected to the proposal.

Landscape and visual impacts

The application includes an LVIA (landscape and visual impact assessment) and the SWT landscape officer is generally supportive of the approach taken although has concerns about siting and density of development and noted that scrub and hedgerows should be retained. Given that the LPA will retain control landscaping, layout and density through the reserved matters application process the visual and landscape impacts, at the 'outline' stage, are considered to be acceptable.

Heritage

The site is located close to designated heritage in regards to two listed structures, which are Grade II listed lime kilns, a Scheduled Ancient Monument which is Daws Castle, a Saxon era earth rampart, and the Watchet Conservation Area. Historic England have been consulted and have not objected to the scheme but have recommended appropriate landscaping and keeping development away from areas which could detrimentally impact upon the setting of Daws castle. It is considered that the proposed development would not have a significant impact upon the designated heritage assets and due to concerns about coastal erosion the area closest to the lime kilns and Daws Castle will be largely undeveloped so will not have significant adverse impacts on its heritage significance or setting. The final decisions regarding landscaping, layout, scale, form and design will be with the LPA via the reserved matters and as such it is considered that control over the setting of heritage assets can be maintained by the LPA and no substantive harm to designated heritage assets is evident at this 'outline' stage. Policy LT1 requires enhancements to Daws Castle as a visitor location as part of the site allocation and this has been agreed with the applicants and can be included within the provisions of the Section 106 agreement as Daws Castle is not within land in the applicant's ownership, although as yet no proposals for enhancement have been received by the LPA from relevant heritage organisations.

Drainage, and surface and foul water disposal

Submitted information includes a drainage strategy from Hydrock Consulting. After negotiations with Wessex Water agreement has been reached that the approach outlined in the strategy is acceptable, including addressing issues related to odour, sewerage disposal and management of surface water within the site. Final details of all relevant drainage arrangements, including for estate roads and roads scheduled to become adopted highways, will be required, by condition, as part of the reserved matters submission. The Lead Local Flood Authority noted that the proposal includes an attenuation based drainage system which is noted as being 'appropriate' provided that the strategy utilises surface based attenuation features not underground storage, and adheres to sustainable urban drainage system (SuDS) principles. This requirement will be set by condition.

Legal agreements and off/onsite contributions

The proposed development will require one or more legal agreements, via legislation known as Section 106 (s106), to ensure affordable housing requirements, offsite contributions for educational provision, and for play areas/open spaces, and any works associated with heritage assets, and concerned with highways and PROW issues and/or contributions. The agent has suggested separate, distinct s106s, to distinguish between highways/PROW matters (for SCC) and other issues. The planning authority consider this approach acceptable and warranted given the complexities of co-ordinating three sets of lawyers (representing the applicants, SWT and SCC) to negotiate of all issues were bundled into one document. The s106s will require appropriate trigger and compliance points for actions and payment of monies due. Therefore as a planning committee item the recommendation would

be for committee approval to approval once draft s106s are agreed and signed (and all matters related to viability and the exact affordable housing percentage in respect of viability has been agreed)

Land Stability

The site is near to a cliff although development has been set away from this area and the revised proposal to use the highway within the site instead of realigning the B3191 will lessen risks from coastal erosion. A visual and verbal update will be given at committee with projected mapping of future coastal erosion at the site.

Reserved matters

The conditions attached to any permission granted would include a condition for details of layout, design, landscaping and details of design to be submitted within two years of permission being granted.

Other matters

Watchet Town Council have been consulted and deferred comment, no further comments have since been received. Significant numbers of letters of representation have been received with issues raised discussed above.

Conclusion

The site has been allocated through the adopted Local Plan to 2032 for residential development with improvements to the existing public highway. Due to ground conditions changes were required to the road realignments which have been undertaken and on this basis the application can be recommended for approval subject to agreement with the viability assessment and signing of a legal agreement.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Cleeve Hill, Watchet 3/37/18/015: planning committee update report

The SWT Planning committee of 30th January 2020 was presented with the application 3/37/18/015, land at Cleeve Hill. Watchet (outline -136no. dwellings plus re-alignment of the B3191) and resolved that the application should be deferred and:

“Further information including viability report (to include percentage of affordable

housing), land stability report and to be presented with option from Somerset County Council.”

Introduction

This update report covers: land stability; viability; educational contributions; re-alignment of the B3191 and the WSP Options report; heritage; and letters of representations and other consultee responses received by the local planning authority (LPA) since the date of the last committee where the application was presented (30 January 2020). The report also details changes and additional conditions amended since the 30th January 2020 Planning Committee.

1. Land stability

In regards to land stability the LPA has followed central government guidance and the steps outlined in the relevant flow chart from the MHCLG. This identifies that the LPA has a statutory duty to assess land stability and to first take a view on whether a site has potential to be affected by land or slope instability, then ascertain if it is within a defined Development High Risk Area within a coalfield area, and then require the applicant to carry out a preliminary assessment of the site including desktop study and site visit to identify risks of land and/or slope instability. The assessment should identify if the risks are ‘acceptable or that the risks may be mitigated to an acceptable level’ the LPA can then proceed to decision and can impose appropriate conditions or planning obligations to land issues concerned with land stability.

In terms of the government guidance, revised edition published 22 July 2019, paragraph 1 notes that the planning system should consider issues related to land stability and minimise risks, ensure that development does not occur in unstable locations or without appropriate precautions, and help to bring unstable land back into productive use.

Paragraph 2 notes that the planning systems works alongside other regulatory regimes, notably Building Regulations (others cited are concerned with coalfields, mines and quarries so are not applicable in this instance)

Paragraph 6 also has relevance to this application and notes that LPAs “should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected” and require developers to undertake a “preliminary assessment of ground instability”, with developers allowed the choice to “adopt phased reporting, eg desk study results followed by ground investigation results.”

The applicant has now submitted a ‘Land Stability Appraisal’ from Stantec Ltd dated 27 February 2020. Stantec are acknowledged as being suitably qualified to undertake such a survey and appraisal as is required by both the planning

committee and relevant government guidance. This appraisal was in the form of a desk-based assessment and preliminary site visit and did not include intrusive ground investigations. As per the relevant and up-to-date government guidance on land stability, cited above, the initial assessment does not have to include intrusive ground investigations unless there are specific circumstances requiring this, examples such as a history of inland landslips or potentially unstable coal spoil heaps would potentially meet this test.

The desk-based assessment identifies details of landslips on the seaward side of the cliffs and coastal zones, and definite evidence of historical and current cliff regression but does not mention inland landslips. The report notes that the cliffs have regressed by approximately 15-20metres between 1888 and 1972. The report however notes that the position of any houses would be at least 78metres from the current cliff line, and that this development area could be moved further back still, with the potential re-alignment of the B3191 to 68metres inland from the cliff edge. The report notes that it “could be 250 years before the upper crest regressed as far back as the development area of the site” and even with impacts of sea-level rises and climate change this time-frame is likely to be “in excess of 150 years”.

The report also noted that “observations in the fields comprising the site did not reveal any evidence of instability in the ground that slopes down to the south within the site boundary. Generally, the landform of the site is gently sloping pasture with a relatively uniform gradient”. The findings of the report largely concur with the recent report commissioned by Somerset County Council from WSP into options for the B3191 road, discussed below.

The report from Stantec, whilst it does not include intrusive ground investigations, is considered to have fully met stipulated requirements in the most recent government guidance, for the stage in the planning and development process this outline application is at. Further requirements for stability assessments, including intrusive ground investigations and a detailed methodology for construction works, will be set by condition to be provided prior to the submission of any reserved matters applications. This condition has been revised from the wording previously drafted for the committee item from the 30th January 2020 to reference the fact that details would be required to be submitted and approved prior to the submission of any reserved matters application, and has included reference to surface attenuation features of any proposed drainage systems.

It should also be noted that further along the process any construction activities would be subject to the Building Control regime and would require substantive evidence of the ability to develop the site safely, without creating issues of instability

within and outside of the site, due to any proposed construction works.

It is therefore considered that the applicants have complied with the request from the 30th January 2020 planning committee to provide a land stability report, that this report has provided some certainty in terms of any attendant risks, and that issues related to land stability do not represent a reason to refuse the application.

In order to ensure that development could not take place within close proximity to the cliff edge a further condition is considered to be appropriate requiring that no residential development takes place within 50metres of the cliff edge and that an up-to-date survey of the cliffs is submitted no more than two months prior to the submission of any reserved matters application identifying the extant state of the cliffs. This would ensure that risk is minimised and that a reasonable gap is in place between the cliffs and any residential development and would take into any changes to the current cliff line.

It is also noted that in the British Geological Survey's 'Minehead district - a concise account of the geology' (1999, R A Edwards, page 10) comment is made regarding land instability and the fact that "...the possibility of landslipping should be considered prior to engineering activities on such slopes". It is considered important to stress that the Geological Survey does not advise against such developments but advises that there should be an evaluation 'prior to engineering activities'. The submitted report from Stantec is from qualified and indemnified engineers and it has advised that development at the site is not unreasonable provided that a sufficient buffer is in place to the edge of the cliff face. It is therefore considered that the report conforms to government requirements for assessing land instability issues, proportionate to the stage in the planning and development process this application represents.

The WSP report identifies six options, aside from 'doing nothing', for the section of the B3191 nearest to Watchet numbered 1A to 1F, ranging from cliff stabilisation works, re-aligned routes, through to the creation of roadway along a new tidal lagoon, with estimated costs between at the lower end £10 million (solely cliff stabilisation) to over a £1billion. The option earmarked to be taken forward to 'the next stage' is 1D, which travels through the Cleeve Hill site, which includes both re-alignment for the B3191 and cliff stabilisation works and is provisionally costed at £28million with reduced economic losses at £19million, the highest figure for any of the options in terms of sustaining economic development in the area.

From WSP Options report, commentary on central government funding for coastal protection measures:

"10.3.2. Option 1D and Option 2C have the potential to attract Flood and Coastal Erosion Risk Management (FCERM) Grant in Aid (GiA) should the Present Value

Benefits exceed the Present Value Costs.

10.3.3. FCERM GiA is funding provided by the Department for Environment, Food and Rural Affairs (DEFRA) to implement FCERM policy. The funding is administered by the Environment Agency and would be applied for by Somerset West and Taunton as the Coastal Protection Authority for the area.

10.3.4. Funding levels are linked to the number of households protected, the damages prevented, environmental benefits, amenity improvements, agricultural productivity and economic benefits. The payment rates for household protection vary depending on the number of properties affected, and the levels of deprivation in that area; the more properties that benefit from the works, and greater the level of household deprivation, the higher the eligible payments”

The salient points being that the higher number of households requiring coastal defence the higher the amount of GiA funding potentially available.

The WSP report further notes that private sector contributions to the ‘highway element’ of option 1D should form part of section 106 negotiations at Cleeve Hill:

“10.3.6. With regard to the highway element of Option 1D, the possibility of a Section 106 contribution should be explored in relation to the allocated Cleeve Hill site. It will be important to ensure the western end of this road realignment, where the cliff will not be protected, falls outside the projected cliff top erosion limit as shown in Section 3.3...”

Therefore in terms of land stability issues at the site the independent report produced by WSP has clearly identified benefits to re-aligning the B3191 through the Cleeve Hill site as the preferred option in comparison to five other assessed options, in terms of costs, economic benefits to the locality and potential for central government funding to contribute to cliff stabilisation works, which are likely to be at a higher level if a greater number of dwellings would be protected than without them. These factors are a significant material consideration in relation to the current application.

2. Viability report

A viability report from Vickery Holman has now been provided to the LPA and has been independently assessed by the District Valuer (DV). The DV has clearly indicated that full compliance with the stipulated 35% affordable housing provision at the site would not be economically viable given the extraordinary costs associated the road re-alignment and full costings of required educational contributions. The education contributions have been revised (see below) lowering the figure from £957,623 (as presented in 2018) to £768,330 (revised response from Somerset County Council, June 2020). With this reduction in requested offsite contributions for educational contributions the DV has set the viable percentage of affordable dwellings at the site to 27%, which would equate to 34 units on a 136 dwelling development. Initial findings from the District Valuer prior to the revised educational

contribution indicated a 25% figure but this was revised after the reduced requirement for educational contributions to 27%.

It is acknowledged that 27% affordable housing is a reduction from the 35% policy SC4 position from the Local Plan to 2032. However the initial percentage raised at the committee in January 2020 was between 10-12%, before submission of the Viability Report and its' review by the District Valuer. Clearly therefore the final percentage is quite close to a full SC4 requirement and in terms of actual numbers of houses would equate to 34. The breakdown of tenure and scale would be:

- 4 x 1 bed flats for social rent.
- 8 x 2 bed houses for social rent
- 9 x 3 bed houses for social rent
- 1 x 4 bed house for social rent
- 9 x 2 bed shared ownership houses
- 6 x 3 bed shared ownership houses

Total 34 and split 62% social rent and 38% shared ownership

Local Plan policy LT1 allocated the site for both housing development and delivery of works to re-align the B3191. This makes delivery at this site qualitatively different to many other housing developments. Therefore the LPA accept that any extraordinary costs associated with delivering an allocated site, as per the entirety of its' allocation to include roadworks for a public highway, have to be factored into the requirements for affordable housing. As the Viability Report has been independently assessed by the District Valuer the LPA recognise that the proposed development could not deliver both 35% affordable housing and works to re-align the road and accept fully the DV's findings. The revised percentage for affordable housing has significantly increased from that shown in the January 2020 planning committee report and is considered to be commensurate with the viability of the development as proposed.

3. Educational Contributions

Somerset County Council estates team (educational responsibility) have reviewed their initial request for educational contributions from that first made in 2018. The size of the required contribution has reduced from £957,623 required in 2018 to £768,330 as of the consultation response received in June 2020. This is due to a re-evaluation of existing capacity and likely demand and changes to the situation since the first consultation response. The revised figure equates to a costs per

dwelling of for early years £1,632.07 and for 1st school £4,017.4118. These contributions would be set via section 106 agreement tied to any permission granted. As cited above the revised contribution has positively impacted on the percentage of affordable housing which is considered to be economically viable at the site.

4. Re-alignment of the B3191 and the WSP Options report

Since the last committee for this application in January 2020 Somerset County Council have made public a report from consultants WSP looking at various options for re-aligning the B3191. This includes as option 1D, a route which traverses through the application site but slightly deviates from that as proposed, but is a potential and, given cost implications of the other options, reasonably likely option. The WSP report is a material consideration in relation to the current application.

After negotiations between the LPA, the highways authority and the developers it was agreed that drawings would be amended to include reference to the option 1D route and that this would be enabled as an alternative route should this option come forward. The detailed response from the highways authority to the application has also been revised to include reference to the option 1D route and reference to securing compliance through a section 106 agreement.

This therefore further supports the case that the proposed development would not be detrimental to land stability at the wider site, and beyond, as there would a legal agreement attached to any permission granted ensuring continuing stability of the land and an ongoing access to the B3191 until new works for re-alignment were undertaken and completed. The re-alignment of the B3191 through the application site would be at cost to the developer (within the red line) whereas options utilising other routes outside of the red line could be met largely or entirely by taxpayers through public funding. Equally if option 1D is pursued without the proposed development being given consent then costs for this road re-alignment (and additional costs for other matters such as land purchase) would be likely to fall to entirely public funding.

As cited above costs for cliff stabilisation are likely to be funded through a mix including GiA funds from central government, the level of which is partially dependent upon numbers of dwellings to be protected, the higher the number the greater the funding available from central government. It is therefore considered that in the light of the Options survey from WSP the case for the LPA to support the application has been strengthened, particularly as it was envisaged during the drafting of the West Somerset Local Plan that this would be case, and that the allocation would deliver community benefits through the works to re-align a road

which is under real and present threat to rapidly crumble into the sea.

The LPA are mindful of the provisions of the Equality Act 2010 and of section 49 of the Disability Discrimination Act 1995 and of the need for a surfaced footpath/pavement to run alongside a re-routed B3191 to facilitate access for pedestrians, wheelchair users and non-motorised users (eg parents with prams or buggies). However these details would be required as part of a reserved matters submission so do not directly impact upon this outline application. It is considered to be unnecessary to add additional conditions to achieve a surfaced pavement or footpath to run parallel to the re-routed B3191 as this matter would be covered within existing conditions (estate roads) and legislation as cited above. The estate-road pavement could not connect up to traverse the entire route into Watchet along Saxon Close and West Street as much of this is outside of the red line and, as extant, does not have pavements. This is on land outside of the ownership of the applicants and, as such, cannot be the responsibility of the applicants.

The main route for pedestrian access to Watchet from the proposed development site would be via the public footpath that crosses the site to the eastern side and enters onto West Street. Whilst this footpath has steps so is not fully accessible to non-motorised users (NMUs) the route could be subject to improvements to facilitate NMU use and access, which would be the responsibility of the highways authority as the steps are located some distance from the edge of the land indicated for development in the submitted red line plan. The section 106 agreement would include a clause to ensure that any works within the red line to facilitate access to the public footpath were undertaken. Both the agent and the County highways officer have confirmed that such an arrangement to be set through the section 106 legal agreement is acceptable. It is considered unreasonable to expect the developer to pay for works outside of the development area as much of Watchet has inadequate footpaths and pavements and the development cannot be held responsible for a general requirement to improve this wider situation. In regards to disabled access within the site and in terms of connections to the existing public footpath network the development would be fully compliant with the Disability Discrimination Act. Outside of the site the existing situation in Watchet is that there are many streets and roads without pavements, with steps and with very narrow pavements. This is not considered to be the responsibility of the applicants and it would not be reasonable to expect them to have to pay for improvements across the town

5. Heritage

Historic England have contacted the LPA noting that their comments were not cited in the report presented at the 30th January 2020. They have also provided updated comments. Their initial comments (July & August 2018) are reproduced in full in the

appendix below and further comments from June 2020. The South West Heritage Trust (SWHT) have also contacted the LPA in regards to Daws Castle and provisions within the section 106 and have also raised the question of whether trial archaeological trenches should be dug. In fact this has already taken place and has been shown in submitted, publicly-accessible documentation so the LPA has asked the Trust to provide revised responses. These have been provided and the SWHT have agreed to the wording of the archaeological watching brief condition as originally recommended in the 30th January committee report.

Historic England (HE) have raised concerns about the setting of designated heritage assets and in their 2018 consultation responses asked for indicative illustrations from one of the main viewpoints. However as the then indicative masterplan has been effectively superseded due to changes to the proposed repositioning of the B3191 it is not considered to be reasonable to require the developers to provide illustrative views as the masterplan would of necessity be changed by re-positioning the road. Therefore this will be amended to be set as a condition for any reserved matters to include illustrative views into the site as per the HE request.

HE also noted that the LPA should coordinate with their own conservation specialist and seek advice accordingly. After discussions with the SWHT conservation officer it was noted that the site is an allocated site which has been through due oversight during the review of the Local Plan by the Planning Inspectorate. The allocation included the extant B3191 which provides the existing access to the site and would provide to the easterly side the new access for the B3191. To the westerly side the option 1D cited above would move the B3191 further south which would be further away from Daws Castle. As the main access points to the site have been through Local Plan review when the Local Plan was assessed it is considered that the Inspectorate would have considered impacts of the allocation under LT1, with the westerly access next to the entrance to Daws Castle, and considered any impacts on heritage were acceptable. Furthermore both the lime kilns and Daws Castle were the subject of an assessment by the then West Somerset Council known as the Historic Environment Issues Paper, April 2014, which was part of the information that fed into the then Local Plan review.

It is considered that with a proposed move further away from the Daws Castle for the B3191 impacts should be lessened, not increased. It is also considered that public benefits from the proposed development including the provision of housing, re-routing the B3191 and offsite contributions including for education and information boards at Daws Castle and the lime kilns site, outweigh any perceived harm to the setting of heritage assets. Furthermore control of design, landscaping and choice of features such as materials will rest with the local planning authority at the reserved matters stage. With the cited condition for visualisation indicating aspects such as height of roofs and any landscape buffers any harm to setting can be adequately

mitigated. The planning authority does not consider that harm to designated heritage assets has been robustly established as a result of a recommendation to approve this application, at an outline stage, and that it would retain sufficient control to ensure that the reserved matters could effectively mitigate impacts on heritage and the setting of designated assets.

6. Letters of representation and other consultee responses

Watchet Town Council have responded to the WSP Options report with a letter to SWT dated 31 March 2020 and noted that “SCC has not currently identified funding for implementation of their recommended solutions” and that should option 1D move forward the Town Council “will be supporting it strongly and advocating that funding be found”. They also noted that due to the proposed road alignment in option 1D being further inland “this might suggest that development would not be sensible on the seaward side of the road and would markedly reduce the possible number of dwellings that could theoretically be squeezed into the remaining area”. This point is noted, however this would be part of any reserved matters submission and it is not considered appropriate to condition this as an alternative condition to set the development back at ;least 50 metres from the cliff edge, (at the date of the Reserved Matters submission), is proposed, as cited above.

Additionally five households and the Watchet Conservation Society have sent in letters of representation objecting to the proposed development, since the date of the committee on 30th January 2020. The issues raised relate mainly to land stability and perceived inadequacies of the Stantec report. These matters are discussed above. Additional points raised include compliance with legislation regarding pedestrian non-motorised user (wheelchairs/pushchairs/etc) access along a re-routed B3191. This matter is also discussed above.

APPENDIX

Historic England Advice

(July 2018)

Historic England Advice

The proposal is an outline application with all matters reserved, except for access, for the residential redevelopment of agricultural land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space and partial re-alignment of the existing public highway (Cleeve Hill).

Historic England is aware that the site was included in the West Somerset Local Plan to 2032, adopted in November 2016, and included under the long-term strategic mixed-use development allocations post 2026 (Policy LT1). The policy includes a requirement for development on the site to contribute to enhancing the unique historic environment of the town including mitigating the erosion of Daw's castle, and that proposals sustain and, where appropriate, enhance the historic assets of Daws castle and the adjacent lime kilns and their settings.

Whilst we appreciate that the proposal has been submitted as an outline application, your authority must ensure that you are satisfied you have received sufficient information prior to making your determination to be confident that the proposed development can be delivered in line with the requirements of the Local Plan policy relating to the site as well as in accordance with national policy and legislation.

Designated Heritage Assets

The proposed development site is located within the setting of a number of designated heritage assets, including the nationally important scheduled monument of Daw's Castle (SM 33712; NHLE 1020882), the three Grade II listed lime kilns (NHLE 1180302) to its north east, and the Watchet Conservation Area.

Our advice below focuses on the impact of development on the significance of Daw's Castle a fortified site of Saxon date and high status (as demonstrated by its possession of a mint) prominently located on the cliff edge above Warren Bay in the Severn Estuary. The fortification survives as a curvilinear earthen bank which represents the line of the Saxon defences. The north side of the site is now defined by the cliff edge as part of the defensive earthwork has been lost to coastal erosion and landslips. The monument has extensive inland views

towards the Quantock Hills to the east. The landscape surrounding the scheduled monument contributes positively to the significance the scheduled monument derives from its setting. Its current undeveloped character, retaining a separation between the monument and the encroachment of development to the west of Watchet, retains the clear and open views which are recognised by the Heritage Assessment as fundamental to its defensive function.

In relation to other designated heritage assets we refer you to the advice of your own Conservation Officer, and to your archaeological advisor at South West Heritage Trust in relation to the treatment of the archaeological resource across the site, informed by the results of the archaeological evaluation conducted in 2017.

Impact of Proposed Development

The conclusions drawn by the submitted Heritage Assessment in relation to the effect of the proposals on the nationally important scheduled monument of Daw's Castle do not reflect the assessment of significance set out in the same document. The ability to visualise the surrounding landscape and the encroachment of development towards the scheduled monument will, in our opinion, impact on its significance. It is therefore important that your authority is able to make your own assessment of how the impact of the proposed development on this heritage asset of the highest significance [NPPF 194b] might be avoided and conflict minimised [NPPF 190]. You must therefore be satisfied that you have sufficient information prior to making your determination to inform this part of your assessment. On the basis of the submitted information Historic England does not consider that you have as yet been submitted with enough clarification of the nature of the visual impacts of the development. Without this, in our view, you will not be able to identify whether all opportunities to avoid and minimise that impact have been taken account of in designing the development.

We do not disagree with the broad recommendations in the Landscape and Visual Capacity Assessment for restricting development towards the western end of the site, reducing the density of the development from east to west across the site, providing a landscape buffer with screening incorporated to the west and north and restricting taller buildings to those areas where they would be less visible due to the topography of the site. However our concerns relate to whether your authority as yet has sufficient information to assess whether the proposed implementation of the above mitigation proposals in the current indicative masterplan will be effective in minimising the level of harm to the experience and significance of the scheduled monument and satisfying your authority that it can be delivered at an acceptable level.

Policy Context

Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised *National Planning Policy Framework* (NPPF) (2018) and in guidance, including the *Planning Practice Guidance* (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (*Historic Environment Good Practice Advice in Planning Notes* (2015 & 2017)) including the revised edition of *The Setting of Heritage Assets* (GPA3) published in 2017.

Historic England Position

Historic England acknowledges that the site has been allocated under the adopted Local Plan. The relevant policy takes a strong stance in relation to the requirements of development on the site with respect to the scheduled monument, and accords with the approach set out in the revised NPPF. Whilst we do not disagree with the selection of the proposed options for mitigation of the impact of development on this nationally important site, we consider that additional information will be required to inform your authority's decision. We advise that regardless of the type of application submitted, sufficient clarity is required regarding the visual impact of the proposals on views in particular from the scheduled area to inform your decision in this case. We would recommend that additional visualisations illustrating the indicative heights of proposed buildings in Viewpoint 1 in particular should be submitted. These should be supplemented by indicative visualisations illustrating the level of mitigation offered by the proposed landscape buffer and associated planting. Your authority needs to be broadly satisfied that the general approach to the extent and nature of this buffer will be sufficient and appropriate to address the nature and level of impact of the proposed scheme.

We are pleased to see provision for interpretation, investigation and enhancement at the nationally important scheduled monument of Daws Castle included in the proposal and would welcome an opportunity to advise the applicant, jointly with your authority, on how that might be delivered in the event development on this site is brought forward. However, we consider that the primary concern at this current time is in ensuring the approach to development on the site is designed in accordance with both national and local policy to conserve the significance of the scheduled monument.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Our concerns relate to the provision of sufficient information to enable your authority to ensure that development on this site is delivered in accordance with both the relevant policies of the Local Plan and national legislation, policy and guidance.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 193 and 194 in particular of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

(August 2018)

The following advice supplements that we provided to your authority on 30 July 2018.

We note from your authority's website that the additional information submitted comprises a Transport Assessment and associated appendices, and that the description of the application has also been amended to reflect a change from appearance to access as the only matter for detailed consideration.

Historic England has no further detailed comments to make in relation to the scheme on the basis of the additional submitted information. However we would note that we welcome recognition of the importance of retaining and sustaining footpath access from the site and from Watchet through to the scheduled monument of Daw's Castle.

We refer you overall to our advice of 30 July 2018, a copy of which is attached for your convenience.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Our advice remains as set out for your authority on 30 July 2018. Historic England's concerns relate to the provision of sufficient information to enable your authority to ensure that development on this site is delivered in accordance with both the relevant policies of the Local Plan and national legislation, policy and guidance.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 193 and 194 in particular of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

(June 2020)

Previous Advice

Historic England previously advised West Somerset Council on this application on 30 July and 07 August 2018. Given the length of time since our last consultation we offer the following summary of the key issues raised in our advice to date. In addition both our previous letters are attached for your reference and to read in conjunction with our advice below.

In our previous advice we recognised that the site was included in the adopted West Somerset Local Plan and drew attention to the requirements under policy LT1 in relation to the unique historic environment of Watchet including the nationally important scheduled monument of Daw's Castle.

Given the important commitment in the Local Plan, in addition to those requirements under the policies of the National Planning Policy Framework (NPPF), we advised that it was essential to ensure that you were satisfied you had received sufficient information prior to making your determination to be confident that the proposed development could be delivered in accordance with both legislation and national and local policy.

We advised that we did not consider the conclusions of the submitted Heritage

Assessment in relation to the effect of the proposed development on Daw's Castle reflected the assessment of significance in the same document. We did not consider that sufficient visual assessment of the development had been submitted to ensure you were able to identify whether all opportunities to avoid and minimise the impacts of the encroachment of development into views of the surrounding landscape from Daw's Castle had been designed into the scheme.

Whilst we did not disagree with the broad recommendations in the Landscape and Visual Capacity Assessment (6.1.2) we remained concerned that you did not have sufficient information to assess whether the proposed mitigation included in the indicative masterplan would be effective in minimising the level of harm to an acceptable level to deliver the allocated development in accordance with legislation and policy.

Significance of Designated Heritage Assets

The proposed development site is located within the setting of a number of designated heritage assets, including the nationally important scheduled monument of Daw's Castle (SM 33712; NHLE 1020882), the three Grade II listed lime kilns (NHLE 1180302) to its north east, and the Watchet Conservation Area. Our advice continues to focus on the impact of development on the significance of Daw's Castle a fortified site of Saxon date and high status (as demonstrated by its possession of a mint) prominently located on the cliff edge above Warren Bay in the Severn Estuary. The fortification survives as a curvilinear earthen bank which represents the line of the Saxon defences. The north side of the site is now defined by the cliff edge as part of the defensive earthwork has been lost to coastal erosion and landslips. The monument has extensive inland views towards the Quantock Hills to the east. The character of the landscape surrounding the scheduled monument contributes positively to the significance the scheduled monument derives from its setting. This current undeveloped character, providing a sense of separation between the monument and the encroachment of development to the west of Watchet, retains the clear and open views which are recognised by the Heritage Assessment as fundamental to its defensive function.

Impact of Proposed Development

Historic England has previously stated that we were concerned that the ability to visualise the surrounding landscape and the encroachment of development towards the scheduled monument would, in our opinion, impact on its significance.

Consequently we advised in relation to the information that we considered your authority would need to ensure that you were satisfied that those impacts were avoided and minimised through the design of the proposed development. We advised that sufficient clarity is required, even at outline stage, regarding the visual impact of the proposals on views in particular from the scheduled area to inform your decision in this case. We recommended that additional visualisations illustrating the indicative heights of proposed buildings in Viewpoint 1 in particular should be submitted. These should be supplemented by indicative visualisations

illustrating the level of mitigation offered by the proposed landscape buffer and associated planting.

In relation to other designated heritage assets we continue to refer you to the advice of your own Conservation Officer, and to your archaeological advisor at South West

Heritage Trust in relation to the treatment of the archaeological resource across the site, informed by the results of the archaeological evaluation conducted in 2017. We note that you have been in discussion with South West Heritage Trust in relation to how any condition attached to the consent would ensure the delivery of an appropriate programme of archaeological work with subsequent deposition within a public collection of reports and archives in line with an approved written scheme of investigation (WSI). Given the proximity to the scheduled monument and the potential therefore for remains that would contribute to our understanding of the monument itself, Historic England would recommend that you ensure you are satisfied that appropriate and proportionate provision would be made in the event any archaeological remains more significant than those identified to date on the site during evaluation were identified during the construction programme. We refer you to the detailed advice of South West Heritage Trust in this regard.

Current Proposals

Having reviewed the documents submitted since our last advice in August 2018, we

understand that changes have been made to the application which broadly comprise a reassessment of the highway element of the scheme and adjustment of the realignment of the B3191 at greater distance from the scheduled monument of Daw's Castle, together with submission of additional information including a preliminary land stability appraisal.

We welcome careful consideration by your authority of the issues surrounding land

stability and coastal erosion particularly in view of the landslips in the latter part of

2019 since these will affect Daw's Castle in addition to the local highway. The implications for the proposed layout of the allocated site resulting from the adjustment

in the alignment of the B3191 will need to be considered. We advise that you will need

to be satisfied that the green landscape buffer, included to assist in minimising impact

on views from within the scheduled monument, will nonetheless continue to perform

this function in the western part of the allocation despite these changes.

Planning Policy Context

Historic England's advice is provided in line with the importance attached to

significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)) including in particular The Setting of Heritage Assets (GPA3). Heritage assets are an irreplaceable resource [NPPF 184] and consequently in making your determination your authority will need to ensure you are satisfied you have sufficient information regarding the significance of the heritage assets affected, including any contribution made by their settings to understand the potential impact of the proposal on their significance [NPPF 189], and so to inform your own assessment of whether there is conflict between any aspect of the proposal and those assets' significance and if so how that might be avoided or minimised [NPPF 190]. In accordance with the NPPF your authority should take account of the fact that it would be desirable to sustain and enhance the significance of Daw's Castle [NPPF 192] due to the positive contribution that conservation of this monument would make for the community in Watchet [NPPF 192]. In so doing you must give great weight to the conservation of that significance [NPPF 193] given that Daw's Castle as a scheduled monument is considered to be a designated heritage asset of the highest significance [NPPF 194b]. Any harm to its significance therefore must be clearly and convincingly justified [NPPF 194].

Historic England's Position

Since the new information submitted since our last consultation does not relate specifically to or directly address the concerns from a heritage perspective that we had raised previously, Historic England's position remains broadly as set out in our letter of 30 July 2018. We continue to acknowledge that the site has been allocated under the adopted Local Plan. The relevant policy takes a strong stance in relation to the requirements of development on the site with respect to the scheduled monument, and accords with the approach set out in the revised NPPF. Whilst we do not disagree with the

selection of the proposed options for mitigation through layout, density and restricting

taller buildings to areas where the local topography will reduce their visibility in views

from within the scheduled monument, we are disappointed to see that additional information has not been submitted to inform your authority's decision as set out above and in our letter of July 2018.

Your authority also needs to be broadly satisfied that the general approach to the extent and nature of the landscape buffer at the western end of the site will still be

sufficient and appropriate to address the nature and level of impact of the proposed

scheme in relation to Daw's Castle despite the changes to the road alignment.

However, in the event your authority is minded to make your determination of this be satisfied that you can ensure you will be able to deliver a completed scheme that is

sensitive to the significance of the scheduled monument of Daw's Castle and that you

will be supplied with sufficient information by the applicant to enable you to assess and

confirm this in detail at each subsequent reserved matters stage. We would strongly

advise that you ensure that the wording of any conditions you might apply to any outline consent granted would enable you to confirm that the final detailed scheme will

(following Local Plan policy LT1 and the NPPF):

Contribute to enhancing the unique historic environment of Watchet including mitigating the erosion of Daw's castle; and

Sustain and, where appropriate, enhance the historic assets of Daws castle and the

adjacent lime kilns and their settings.

You will need to be satisfied that you can sufficiently control the visual impact from

within the scheduled monument with appropriate safeguards to restrict development

through detailed masterplanning where it would otherwise intrude into views from the

scheduled monument. You must ensure that the development does not erode the current undeveloped character of the landscape as seen in those views, thereby retaining a sense of separation between the monument and proposed development

and retaining the clear and open views which are recognised by the Heritage Assessment as fundamental to Daw's Castle's defensive function.

We would also encourage both the applicant and your authority to liaise with English

Heritage in relation to a contribution from Section 106 funds for positive

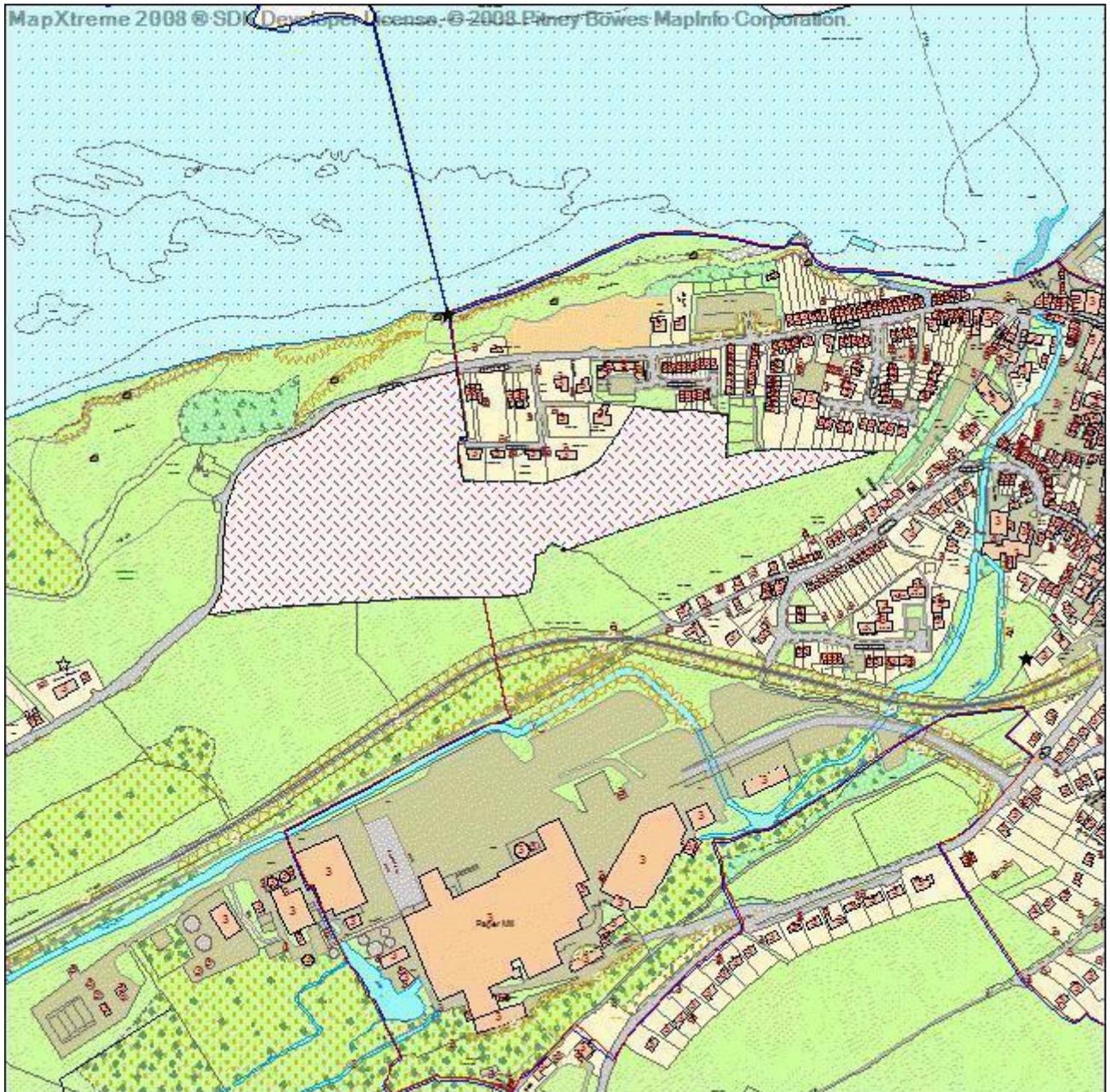
enhancements
for the nationally important scheduled monument. We continue to welcome
provision
for interpretation, investigation and enhancement at the monument in the
proposal and
would be pleased to advise the applicant, jointly with your authority and English
Heritage, on how that might be delivered through this allocation.

Recommendation

Historic England has concerns regarding the application on heritage grounds.
We still have concerns related to the provision of sufficient information to enable
your
authority to ensure that development on this site is delivered in accordance with
both
the relevant policies of the Local Plan and national legislation, policy and
guidance.

We consider that the issues and safeguards outlined in our advice need to be
addressed in order for the application to meet the requirements of paragraphs
190,
192, 193 and 194 in particular of the NPPF. However, we recommend that your
authority discuss and are guided by your own conservation advisors in relation to
how
such safeguards can be robustly implemented, to ensure that you are able to
deliver a
sensitive and sustainable approach to development on this allocated site within
close
proximity to the nationally important scheduled monument of Daw's Castle.
In determining this application you should also bear in mind the statutory duty of
section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
to have special regard to the desirability of preserving listed buildings or their
setting or any features of special architectural or historic interest which they
possess, and under section 38(6) of the Planning and Compulsory Purchase Act
2004 to determine planning applications in accordance with the development
plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek
amendments, safeguards or further information as set out in our advice.



Application No 3/37/18/015

Outline application with all matters reserved, except for appearance, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).

Land at, Cleeve Hill, Watchet, TA23 0BN

Planning Manager

West Somerset Council

West Somerset House

Killick Way

Williton TA4 4QA

West Somerset Council

Licence Number: 100023932



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Easting: 306431

Scale: 1:1250

Northing: 143265

Agenda item

3/37/18/015

- [Meeting of SWT Planning Committee, Thursday, 16th July, 2020 1.00 pm \(Item 35.\)](#)
- Share this item

Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleway and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill). at Land at, Cleeve Hill, Watchet, TA23 0BN

Minutes:

Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).

Comments from members of the public included:

- Concerns with the adverse effect that the development will have on the land lower down the hill to Watchet;
- Concerns with the visual impact and pollution to the town;
- There has been no justification as to why the site has been brought forward early from 2026;
- Concerns with the fast eroding cliffs at West Bay, two further falls in the last four months;
- Concerns with the instability of Cleeve Hill;
- Concerns with the further subsidence behind Lorna Doone;
- The site was of geological and historical importance;
- The road system through the town was inadequate and cannot be improved without major destruction to the towns architecture;
- Sensors confirm that there has not been any movement in the road around Daws Castle for 25 years;
- No need for a new Coastal Road;
- Concerns that no Geological Survey has been carried out;
- No need for 136 new homes with four storey terraced houses on the skyline in this location;
- Watchet has already exceeded its housing quota;
- Concerns that no new infrastructure planned;
- The application would contravene the Council's legal obligation in terms of affordable housing;
- Concerns that this site was now superfluous due to another site being available at the Wansborough Mill;

- There is no bus route along Cleeve Hill, to get out of Watchet cars are the only option;
- Concerns with the lack of employment in Watchet;
- Access to Watchet was a serious issue with the new road and footpaths joining Cleeve Hill at a point where it is very narrow and without footpaths for 300 metres;
- The land is waste land an eyesore and ripe for development that will enhance the town and its surroundings;
- This development is essential to allow the road/transport link is maintained;
- The road link will be borne by the Developer not the Council;

Comments from Members included:

- Concerns with the land stability on the site;
- Concerns that no geological study had been supplied;
- Concerns with the movement of the land behind Lorna Doone;
- Concerns with the access to and from Watchet;
- Residents will be reliant on cars to access the site;
- Concerns with the attenuation tanks above the ground on the front of the site;
- Concerns that a desk top study will not show up faults on the site;
- Concerns with the lack of affordable housing on the site, this needs to be 35%;
- Concerns with viability on the site;

At this point in the meeting a short break was called for.

- Concerns that the proposal was not the same as the one proposed in January 2020;
- The road needed to be rerouted before we agreed permission;
- Concerns with the increased traffic on the small narrow streets and pavements in the town of Watchet;
- It was not logical to build houses to support the coast;
- Concerns with pedestrian access to the site;

At this point in the meeting a half hour extension was proposed.

- This site had been identified in the Local Plan;
- The road redevelopment can take place without this application;
- Affordable housing was short in West Somerset;

Councillor Aldridge proposed and Councillor Whetlor seconded a motion for the application to be **REFUSED**

Reasons

- Lack of Affordable housing (Policy target not being met);
- Lack of Land Stability report;
- Concerns with the pedestrian access to and from the site;

The **Motion** was carried

APPENDIX -

- 4) Letter from Fairhurst dated 01 December 2022**

celebrating 120 years of engineering excellence



FAIRHURST

Our Ref: 146881/CB/PMcM/L2
Your Ref: Planning Application Ref: 3/37/21/012

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London
SE1 0HR

1st December 2022

TEL: 020 7828 8205 FAX: 084 4381 4412
Email: london@fairhurst.co.uk
Website: www.fairhurst.co.uk

Simon Fox
Somerset West and Taunton Council
(by email only)

**146881 CLEEVE HILL, WATCHET –
INDEPENDENT GEOLOGICAL REVIEW OF SUBMITTED LAND STABILITY PLANNING DOCUMENTS**

OUR BRIEF

Fairhurst have been appointed by Somerset and West Taunton Council to review technical reports, referenced below, which have been submitted in support of a planning application (reference 3/37/21/012). The West Somerset Local Plan 2032 Policy NH9, Pollution, Contaminated Land and Land Stability states that;

‘Development proposals will not be permitted on or in close proximity to land known to be, or which may be, unstable’.

The previous application for the development (3/37/18/015) was refused, with reason 2 of the decision notice stating that the applicant had not provided a Land Stability Report including intrusive ground surveys to demonstrate that the land is suitable for development and therefore the application was not considered to be in compliance with NH9. Somerset and West Taunton Council therefore requested that Fairhurst provide a review of the subsequent land stability information presented by the application (3/37/21/012) and to assist in determining if reason 2 of the previous refusal has been overcome.

Fairhurst previously provided review and comment of the Stantec ‘Land Ground Investigation Report and Slope Stability Report’ (2020) in our letter reference 146881/CB/PMcM, 21st January 2021). This letter provides review of the subsequent Stantec response (408502/Geo1, 8th March 2022), comment on additional information supplied by the Council and from our observations during a meeting with Watchet Town Council and Geckoella. The meeting, held on the 26th September 2022, included a visit to no. 17 Lorna Doone, Watchet and the West Street allotments to the north of the application site.

Stantec ‘Land off Cleeve Hill Watchet – Land Stability Technical Note’

Our original letter report should be referred to for full details of comments provided. This letter considers whether our previous comments have been addressed, or whether further assessment required.

1. Geological Features

Fairhurst previously identified that it is evident from previous coastal erosion events shown on historical mapping and satellite imagery, in addition to a previous assessment by others (Ruddleson, 2016), that the landslips along the coast have exploited fault lines and geological boundaries. The cyclical erosion and instability as a result, will be heavily influenced by the presence, form and orientation of these features. Faulting and the unconformity plane between the Mercia Mudstone Group (MMG) and Blue

ABERDEEN
BIRMINGHAM
BRISTOL
DUNDEE
EDINBURGH
ELGIN
GLASGOW
HUDDERSFIELD
INVERNESS
LEEDS
LONDON
NEWCASTLE
PLYMOUTH
SEVENOAKS
TAUNTON
THURSO
WATFORD
WESTHILL

Lias on site, along with the dip direction, which is noted to be variable, should be further considered in order to confirm that land stability does not pose a risk to the proposed development.

Stantec identify in their submitted response (Stantec, 2022) that the dip direction is variable and observed to dip in a southerly direction at one location in the cliff immediately north of the application site and in trial pits undertaken on site. The WSP B3191 Options Assessment Report records that the Lias stratum dips unfavourably to the north east, and that one of the two main failure mechanisms to the cliff relates to failure along the slip plane between mudstone and limestone bands, accentuated by the dip direction.

The potential change in dip direction may be another influencing factor driving which areas of the cliff near the subject site are more susceptible to failure. The information Stantec presents suggests a variable dip direction, although there isn't sufficient information to consider how the dip direction changes for the sections of cliff closest to the application site.

As discussed further under Section 6 of this letter, the re-aligned road which will provide access to the residential properties and forms part of the development under the planning application, is situated within the intended 50m buffer zone. As such, the road falls within an area '*in close proximity to land known to be, or which may be, unstable*'. As shown in Plate 1 below, Fairhurst would also note that there is a geological feature in proximity to the junction between the proposed road and the existing Cleeve Hill road, with evidence of preferential weathering to the east.

2. Groundwater

Fairhurst previously noted that the effect of groundwater on land stability should be addressed by the Stantec report and within their ground model. Further consideration has been provided by Stantec, and while they note that the Blue Lias will be much less weathered, with less dilated fractures and would be expected to have good strength – this assumption cannot be related back to the existing ground investigation data due to its depth and lack of groundwater monitoring.

Stantec report that the intention of their report was... 'to provide an assessment of the risks of stability affecting the site to support planning. It was not the intention to provide details on specific development proposals or detailed ground model for that purpose'. Groundwater monitoring and assessment would be required at detailed design stage.

3. Topography and global slope stability

Stantec have stated within their technical note that local benching (or terracing) as part of the detailed development will have no significant impact on the global stability of the site, and any detailed design associated with this is out with the scope of the outline planning application. Given the absence of proposed engineering levels, Stantec would be unable to consider this further at this stage.

Due to the geological structure beneath the site, there is a topographical ridge that trends through the site, approximately west to east, as shown in Plate 1 below. Ground levels along the apex of the ridge feature falls from c. 46mAOD from the boundary adjacent to 'Panorama' to the west of the site, dropping to approximately 38mAOD in an easterly direction. The ground levels also reduce towards Lorna Doone, with levels of c. 34.5mAOD at the extent of the topographical survey on site. The topographical levels to the northern site boundary have not been surveyed in this portion of the site due to vegetation. The steep gradient and level changes are also shown in the photographs contained within Appendix A of the Stantec Report (2020) and the site topographical survey.

Also within this area, Stantec note a small arc with depression to the north of this ridge feature (Plate 1), to the south of Lorna Doone. The Stantec report states that the arc depression was investigated via two trial pits, which did not record any evidence to indicate that the ground is effected by ground movement

and the feature is thought to be related to minor changes in weathering of the Langport Member and Blue Lias strata in this area.

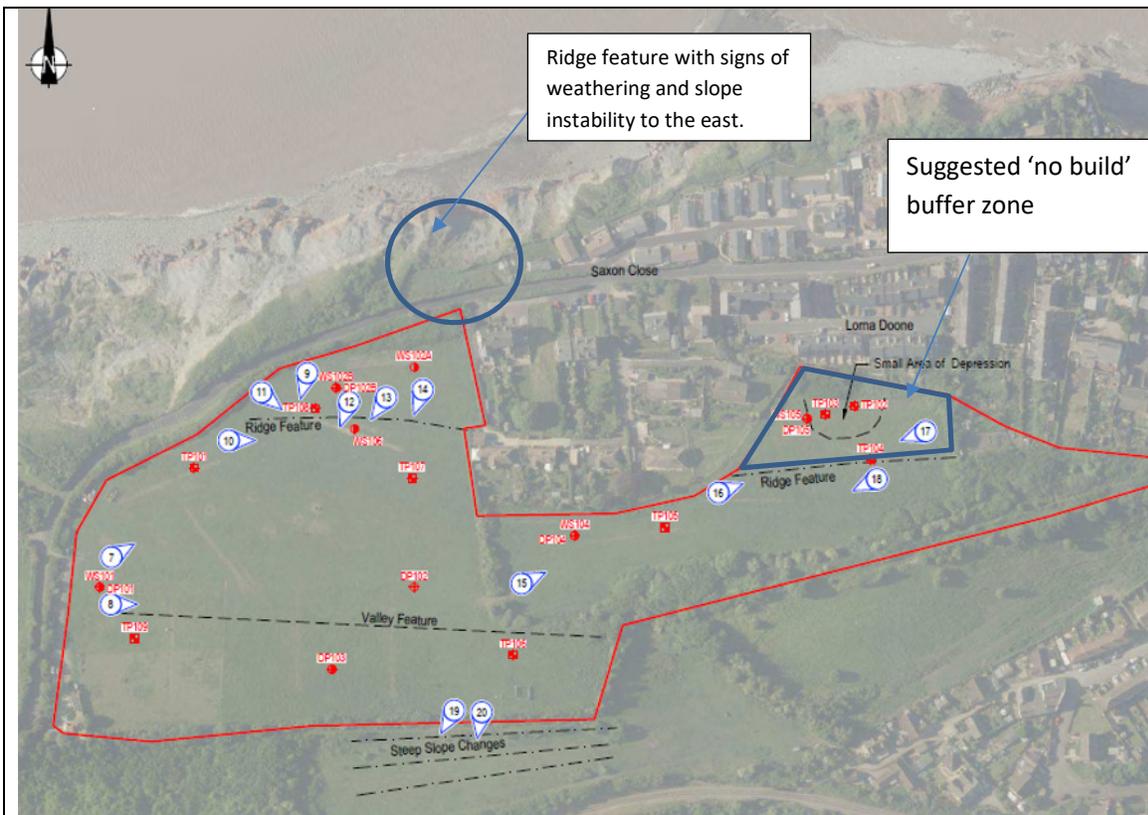


Plate 1 – Extract of Stantec (2020) Figure 2

Weathering in the Lias is evidenced by oxidation resulting in a colour change from grey to brown and typically extends to 5m below ground level (Hobbs, P.R.N et.al, 2012). The trial pits undertaken at this location (TP102, TP103) were of limited depth (1.7m and 1mbgl), the latter terminated in soils described as firm Clay. These trial pits were undertaken at levels of 37.5mAOD and 36mAOD respectively. The window sample borehole WS105, just to the south of the topographical depression was reportedly undertaken from c. 46mAOD (i.e. 10m higher elevation than the trial pits over a relatively short distance), records extremely weak mudstone to a depth of 1.5m, underlain by firm and stiff light brown gravelly clay. The dynamic probing undertaken adjacent to this borehole (DP105) confirms lower blow counts within this zone, with cumulative blows generally of 6 over 300mm to a depth of 2.6m, before much higher blow counts are recorded, which is in keeping with the descriptions from the ground investigation exploratory hole logs. Weathering in the Lias is typically accompanied by increased water content, and although testing has not been undertaken from locations in this particular area of the site, moisture content in clay encountered across the wider site is reported as up to 28% within the Stantec report (2020).

While there is evidence of weathering of the strata across the site, it is considered inconclusive that minor changes in weathering are the cause of the topographical depression in this area. However, if increased weathering of the geology in this area is the cause, this would suggest the potential for deterioration of the engineering properties, giving rise to increased risk of land instability.

In a planning application objection received by the Council and provided to Fairhurst for review (Objection 3/37/21/012) there is photographic evidence of a landslip to the south of no. 17 Lorna Doone, immediately north of the application site (and to the north of the arc feature).

Given the current steep gradients and required level changes to facilitate development in this area; evidence of previous instability to the immediate north of the site; imposed surcharge/loading as a consequence of the proposed development; and the evidence of lower strength material in the upper horizons of the ground – it is considered that this area of the application site is *in close proximity to land known to be, or which may be, unstable*.

As such, no development should be permitted in this area. Fairhurst would therefore recommend if the planning application is granted permission, that a no build buffer zone is implemented beyond the geological ridge in this portion of the site, as indicated on Plate 1.

4. Regression Rate

Stantec have provided justification for the 50m buffer and the benefits afforded by the drainage on the scheme. Fairhurst have no further comment on the intended extent of the buffer zone; however, it is noted that the realigned road footprint involves construction within 50m of the cliff edge as detailed below.

5. Road Realignment

Fairhurst previously provided commentary around the road realignment in our original letter (January 2021). It was noted within the Stantec report that the realignment of the road includes for a section of protection on shore at the base of the cliff and slope stabilisation works in the upper slopes at the eastern end of the road alignment.

Within the Stantec technical note (2022), responses to queries by Somerset West and Taunton Council are provided. Within their response to query 4 relating to coastal regression and the impact to the proposed road realignment, Stantec state that there is no discussion within their original report (2020) in relation to coastal erosion measures...‘however, any coastal protection measures if installed would offer benefit to the erosion and stability of the coastal slope’.

It is not clear if the comments within the technical note relate to wider coastal erosion measures at Cleeve Hill, as within the original Stantec report (Section 8, 2020), they state that the road alignment and associated coastal protection works will be undertaken by the Council.

The road realignment takes access adjacent to No. 6 Saxon Close into the applicant site, at which point the cliff edge is c. 15m to the north. This therefore requires construction within the intended 50m buffer zone as discussed within Section 1.0 of this letter.

Therefore, to permit the development, including the proposed road, protection to the cliff/coast would be required to allow the road to remain serviceable throughout the design life of the development. It is understood that there is currently no financial provision or proposals in place to undertake these coastal protection works by the Council or associated government agencies (as assumed by Stantec), and thus the provision of these protection works by others cannot be relied upon by the applicant. In the absence of proposals to provide protection to the realigned road within the planning application itself, it is considered that this section of road is *‘in close proximity to land known to be, or which may be, unstable’ (NH9)*.

6. Development Layout

Due to the geology and topography of the site, at detailed design stage, considerable assessment of proposed engineering levels, terracing, road access, and drainage will be required to confirm the layout as shown is feasible.

Fairhurst would note that the application is for the provision of up to 136 No. dwellings. Based on the layout provided to date, there are indications that this may not be feasible:

- Houses are shown in close proximity to the proposed realigned road. By comparison, the Awcock Ward Partnership Preliminary Vertical Alignment indicates the proposed road at levels c. 5-6m below current ground levels in sections and c. 3-4m above current ground levels in the south of the site. The associated footprint required with 1:3 gradients for the embankment and cutting slopes suggests that significant further cut or fill would be required to achieve the layout as shown.
- Due to the level changes, particularly with the secondary roads and terracing that will be required, it is considered likely that retaining walls and/or reinforced slopes and under-build will be required to facilitate the currently proposed layout. Therefore, while we concur that shallow spread foundations will likely be feasible from a bearing capacity perspective (as noted by Stantec (2022)), the proposed engineering levels will have an impact on the depth of foundations relative to finished levels. These abnormal costs may therefore impact the feasibility of the layout and housing provision as currently shown;
- The drainage strategy indicates the provision of an offline tank in the north east corner of the site. Due to the current topographical levels, this would likely either require significant filling along the Northern boundary adjacent to Lorna Doone in an area of potentially unstable land, and/or pumping;
- The requirement to connect the foul drainage to the sewer at Lorna Doone will require traversing land which could potentially be unstable, and therefore the viability of this would need explored further.

The above comments suggest that a levels strategy is required to inform the feasibility of provision of 136 dwellings.

From a land stability risk assessment perspective, it is recommended that if the outline planning application is granted, that a levels strategy and subsequent detailed land stability risk assessment is conditioned to consider land stability risks associated with the proposed development on the local scale and the impact to adjacent land, in particular within the area of Lorna Doone.

Site Visit & Geckoella Observations

During the site meeting with the Town Council and Geckoella, the ongoing coastal erosion of the regional area was discussed, and in particular, reports and observations regarding the ongoing land stability issues at the allotments on West Street.

Fairhurst were provided copies of reports pertaining to subsidence at West Street, including 'Update report on West Street Allotment Slippage 19/7/22' and associated site visit summary reports. A visit was also made to this location. The Geckoella reports suggest a greater rate of erosion in this particular section than the 'average' presented by WSP (February 2020). However, as stated in the WSP report and by Stantec, these are average values, and the nature of coastal erosion and slope stability is more complex and would be anticipated to have periods of increased followed by decreased regression rates. The Geckoella reports provide useful information regarding the wider issues of land stability for this section of coast and confirm the ongoing degradation and hence already anticipated further regression where the proposed realigned road meets the existing Cleeve Hill Road in the north east of the application site.

Recommendations and Conclusions

Based on the additional comments from Santec and taking account of the observations and information presented during our site visit, it is considered that:

- The road realignment involves development within or in close proximity to land known to be unstable, and therefore permission cannot be granted in accordance with West Somerset Local Plan 2032 Policy NH9 without inclusion of the stabilisation and coastal defences required to protect the road over its design life;
- The application includes development in an area where the land may be unstable, or in close proximity to land known to be unstable adjacent to Lorna Doone and this permission for development in this area cannot be granted in accordance with NH9. If permission is to be granted to the outline application, a further no-build 'buffer zone' as indicated on Plate 1 would be required until such time that information is provided to confirm the land stability risks in this area;
- Out with the areas noted above, if planning permission is granted in these portions of the site, a detailed levels strategy and land stability risk assessment is recommended to be conditioned at detailed design stage to take account of the terracing required;
- Separate to the matter of land stability there are indications on the current layout assumption that the provision of up to 136 No. dwellings may not be feasible. A levels strategy would be required to confirm if the current layout assumptions are likely to be viable.

If we can assist further, please do not hesitate to contact the underside.



Clare Barber
Technical Director – Geotechnical & Geo-Environmental South

Email: clare.barber@fairhurst.co.uk

Encl: